



CITY COUNCIL PACKET
MONDAY SEPTEMBER 16, 2019

Prepared By:
Kris Vogel, CMMC/MMC, City Clerk
Kevin A. Catlin, City Manager



**CITY COUNCIL
REGULAR MEETING OF
MONDAY, SEPTEMBER 16, 2019, 6:30 P.M.
AGENDA**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL: Mayor Burdett, Council Members Eib, Hollingsworth, Hoover, Morgan, Navarro, and Riley
- IV. APPROVAL OF MINUTES
 - A. Regular Meeting of September 3, 2019
- V. REPORTS
 - A. Building Department/Code Enforcement – August (T. Seaman)
 - B. Public Services Department – August (T. Blaniar)
 - C. Fire Department – August (C. Childers)
 - D. Law Enforcement Department – August (C. Childers)
 - E. City Manager – Kevin A. Catlin
 - 1. Introduce – Limitation of Medical Marijuana Facilities (**ord. #04-19**)
 - 2. Introduce – Amendment of Chapter 50 (**ord. #05-19**)
 - 3. Discussion – Recreational Marijuana
 - 4. Bills In Line
- VI. COUNCIL COMMENTS
- VII. CITIZEN COMMENTS
- VIII. ADJOURNMENT

NEXT MEETING: **Monday, October 7, 2019**
NEXT RESOLUTION: **68-19**
NEXT PROCLAMATION: **04-19**
NEXT ORDINANCE: **06-19**
NEXT TRAFFIC CONTROL ORDER: **2019-1**



**MINUTES OF THE REGULAR MEETING OF
THE COUNCIL OF THE CITY OF SPRINGFIELD
SEPTEMBER 3, 2019**

I. CALL TO ORDER

Mayor Burdett called the regular meeting of the Council of the City of Springfield to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor Burdett led the pledge of allegiance.

III. ROLL CALL

Present: Council Members Hollingsworth, Hoover, Morgan, Navarro, Riley, and Mayor Burdett.

Absent: Council Member Eib.

It was moved by Hollingsworth, seconded by Navarro and unanimous to excuse Council Member Eib from the regular meeting of September 3, 2019.

IV. APPROVAL OF MINUTES – August 5, 2019 & August 19, 2019

It was moved by Hollingsworth, seconded by Riley and unanimous that the minutes of the August 5, 2019, and August 19, 2019, regular meetings be approved subject to any additions or corrections.

V. REPORTS

A. City Manager – Kevin A. Catlin

1. Approve/Deny – Public Safety Building Garage Door Quotes

City Manager Catlin stated this resolution would approve/deny a Public Safety building garage door(s) quote with Overhead Door Company of Battle Creek in the amount of \$11,102. This is not a budgeted expense and funds will be allocated from the general fund's reserve.

It was moved by Council Member Riley and seconded by Council Member Navarro that the following resolution be adopted:

Resolution #62-19

RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD to approve the bid of Overhead Door Company of Battle Creek in the amount of \$11,102 to replace garage doors at the Public Safety building.

All ayes. Resolution adopted.

2. Approve/Deny – Fee Schedule Amendments

City Manager Catlin stated this resolution would approve/deny amendments to the fee schedule. Fees that have been changed are highlighted.

It was moved by Council Member Navarro and seconded by Council Member Hoover that the following resolution be adopted:

Resolution #63-19

RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD to approve the attached fee schedule as revised.

All ayes. Resolution adopted.

3. Approve/Deny – Street Lines & Symbols Striping Bid

City Manager Catlin stated this resolution will award a city-wide street line painting bid to Advance Pavement Marking of West Olive, MI in the amount of \$14,837. The Director's estimate for this project was \$16,000 for painting product. The City budgeted \$16,000 for this project and would like to utilize full funding to do additional work.

It was moved by Council Member Hoover and seconded by Council Member Navarro that the following resolution be adopted:

Resolution #64-19

WHEREAS, CITY OF SPRINGFIELD STAFF budgeted \$16,000 in FY19/20 to do City-wide street line painting; and

WHEREAS, THE CITY OF SPRINGFIELD solicited bids for the City-wide street line painting project and the low bid of \$14,837 was received by Advance Pavement Marking.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD to authorize Terry Blaniar, Department of Public Services Director, to spend up to the budgeted amount of \$16,000 for street line painting.

All ayes. Resolution adopted.

4. Approve/Deny – Parking Lot Striping Bid

City Manager Catlin stated this resolution will award a parking lot striping bid to Ace Parking Lot Striping of Plainwell, MI, in the amount of \$1,402. This project encompasses City parks and City Hall. The Director's estimate for this project was \$2,000 for striping product. The City budgeted \$2,000 for this project and would like to utilize full funding to do additional work.

It was moved by Council Member Riley and seconded by Council Member Navarro that the following resolution be adopted:

Resolution #65-19

WHEREAS, CITY OF SPRINGFIELD STAFF budgeted \$2,000 in FY19/20 to do City-wide parking lot painting; and

WHEREAS, THE CITY OF SPRINGFIELD solicited bids for the City-wide parking lot painting project and the low bid of \$1,402 was received by Ace Parking Lot Striping.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD to authorize Terry Blaniar, Department of Public Services Director, to spend up to the budgeted amount of \$2,000 for parking lot painting.

All ayes. Resolution adopted.

5. Authorize – City Manager to Sign Termination Agreement

City Manager Catlin stated this resolution would authorize/deny the City Manager to sign a termination of purchase agreement with Marcia Magiera. The developer was not able to garner enough interest in the property. It is in the City's best interest to maintain control of the land instead of demanding the developer pay \$80,000 for the property as stipulated in the development agreement. The developer will forfeit \$1,000 earnest money.

It was moved by Council Member Morgan and seconded by Council Member Hollingsworth that the following resolution be adopted:

Resolution #66-19

RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD to authorize Kevin A. Catlin, City Manager, to sign the termination agreement with Marcia Magiera, dated December 5, 2018, for the multi-unit commercial building and the landscaping of the property on the corner of Avenue A/Helmer Road.

LEGAL DESCRIPTION: Beginning at the East ¼ corner of Section 4, Town 2 South, Range 8 West; thence S00°00'00"E along the East line of said Section 4 a distance of 494.49 feet to the North right-of-way of Grand Trunk Western Railroad; thence S76°03'58"W, along said railroad right-of-way 501.61 feet; thence N00°21'29"E at right angles to the East and West ¼ line of said Section 4 a distance of 304.31 feet; thence S89°38'31"E parallel with said East and West ¼ line 240.00 feet; thence N00°21'29"E, 314.00 feet to said East and West ¼ line; thence S89°38'31"E along said East and West ¼ line, 243.00 feet to the point of beginning.

All ayes. Resolution adopted.

6. Approve/Deny – Business Licenses

City Manager Catlin stated this resolution would approve annual business licenses set to expire June 30, 2020.

It was moved by Council Member Hollingsworth and seconded by Council Member Riley that the following resolution be adopted:

Resolution #67-19

RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD that the following business licenses are hereby approved; said licenses to expire June 30, 2020:

Collecting Commercial/Industrial Refuse
Sunny Bay Disposal

3774 W. Michigan Avenue, Battle Creek

Automotive Repair Facility
Cole's Body Shop
Royal Autotec
Rusty's Auto Service

800 W. Michigan Avenue
196 N. 20th Street
575 N. Helmer Road

All ayes. Resolution adopted.

7. Adopt – Prohibiting Marijuana Establishments within Municipal Boundaries

City Manager Catlin stated this ordinance would prohibit marijuana establishments from operating within municipal boundaries. This ordinance affects adult-use marijuana, not to be confused with medical marijuana facilities.

It was moved by Council Member Hollingsworth and seconded by Council Member Navarro that the following ordinance be adopted by title only (a copy of the complete ordinance is on file in the City Clerk's office):

Ordinance #03-19

AN ORDINANCE TO AMEND THE CITY OF SPRINGFIELD CODE OF ORDINANCES TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF CITY OF SPRINGFIELD PURSUANT TO INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ., AS MAY BE AMENDED; TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

All ayes. Ordinance adopted by title only.

8. Discussion – Medical Marijuana, Adult Business Ordinance, and Recreational Marijuana

Mr. John Macfarlane, City Attorney, stated that since 2008 this is the City of Springfield's first attempt to allow patients to possess medical marijuana and with the most recent law that passed, now we have a recreational marijuana phase to take into consideration. As it pertains to medical marijuana, in order to allow these types of businesses in the City, we have to opt in to take an affirmative action. With recreational marijuana if a municipality does nothing, then they are automatically opted in. For that reason, the City Council adopted an ordinance a few months ago to opt out of recreational marijuana to keep our options open and to further study what the other municipalities are doing.

City Attorney Macfarlane recommended the City of Springfield limit the number of licenses allowed for medical marijuana facilities somewhere between 5-10, but added those numbers will not be set in stone and can be amended as we see fit. The City Attorney did discourage from accepting an unlimited number of licenses. Council Member Riley suggested the City allow 5 Provisioning Center licenses and unlimited Processors. Council Member Hollingsworth stated he would like to see 5 licenses allowed on each of the different types; Council Member Navarro and Hoover agreed. The consensus was for 5 licenses for each facility type. Mayor Burdett added that he doesn't want to allow any licenses. As far as the growers licenses, Council Members Riley and Morgan both wanted to allow just Class C licenses for 1,500 plants and if someone wanted to do a lesser number of plants they could expand their facility later. Council Member Navarro stated he remembers there being a conflict with license types for some reason and asked for clarification. Attorney Jeff Baker stated there is a potential issue with this as the capitalization requirements for licensing at the State level are different.

Jennifer Rigterink, representative from the Michigan Municipal League (MML), asked how the City would decide to issue licenses; would it be whoever walks through the door first? Through a lottery system? Or an application scoring system? City Attorney Macfarlane stated he drafted the ordinance to be first come, first serve.

Council Member Hollingsworth asked City Attorney Macfarlane if, when he said five licenses does that mean 5 total or in each category? City Attorney Macfarlane clarified that his recommendation was five per

category. City Attorney Macfarlane noted that when speaking about licensing Transporters, it's their headquarters that are licensed and not the jurisdictions they transport to/from.

City Manager Catlin asked if it was typical for the City Manager not to be involved in the administrative process of licensing? City Attorney Macfarlane stated that it is an administrative function and is intended to be treated like any of the other licenses.

Mr. Jeff Barker, representing 4540 Wayne Road, expressed his concern with limiting licenses to 5 because there is the potential that one big business could take all those licenses. Council Member Hollingsworth asked City Attorney Macfarlane if there was any legal way to avoid having one company apply for all the licenses for one class? City Attorney Macfarlane stated he is unsure. Jennifer, from MML, stated she hasn't seen it happen yet, but in the MFFLA it says locals can physically regulate everything, but the pricing and purity of the product. So, on a technicality, she feels it could be done, but it could be challenged.

Mr. Barker asked the City to verify the overlay district and compare it to the residents offsets to make sure it does apply and that the overlay district covers complete parcels and to make sure the boundaries of the overlay district match up with the residential offset boundaries.

There was a discussion regarding the Adult Business ordinance and City Attorney Macfarlane noted that all we've done is take the existing language and move it into the zoning ordinance so we have control over where these activities occur.

City Manager Catlin suggested moving the discussion regarding recreational marijuana to the next meeting.

9. Bills In Line

It was moved by Council Member Hollingsworth, seconded by Council Member Riley, and unanimously approved that the checks be drawn from the various accounts and the bills be paid.

VI. COUNCIL COMMENTS

Council Member Riley reminded the community that school's in session and there are lot of kids in the neighborhoods. He asked residents to slow their vehicles down.

Council Member Morgan thanked everyone for showing up and for their interest.

City Clerk Vogel thanked everyone for their kind words and support due to the recent unexpected passing of her father. He was a resident of Springfield for 56 years.

Council Member Navarro thanked everyone for their input.

VII. CITIZEN COMMENTS

Mr. Craig Cunningham asked the City Council's timeline on future ordinances related to marijuana. City Manager Catlin stated the medical marijuana licensing and adult business ordinances should be presented for their first readings at the September 16, 2019, meeting.

Mr. Scott Slayton, 154 Nettles, and Mr. Duane Jackson, 130 Nettles, both complained about the noise and timeframe of the airplanes in the area from Western Michigan University's Aviation School. City Manager Catlin stated he will follow up with WMU/FAA/Airport.

VIII. ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

Kris Vogel, CMMC/MMC
City Clerk

Harry Burdett
Mayor



Building Report July 2019

Prepared By: Tina Seaman

Building	PB19-0030	1301 AVENUE A		\$120.00
	PB19-0031	223 N 21ST ST		\$100.00
	PB19-0032	25 AVENUE C		\$2,115.00
	PB19-0033	227 N 22ND ST		\$195.00
	PB19-0034	275 REYNOLDS RD		\$150.00
	PB19-0035	164 KIRKWOOD		\$100.00
	PB19-0036	420 RIDGELINE		\$100.00
	PB19-0037	599 AVENUE A		\$852.00
	PB19-0038	75 N 14TH ST		\$300.00
	PB19-0039	503 AVALON CT		\$714.00
	PB19-0040	355 AVENUE A		\$150.00
PB19-0041	1024 W GOGUAC		\$100.00	
Total Building Permits				\$4,996.00
Mechanical	PM19-0038	300 ED LEBOEUF	MECHANICAL	\$415.75
	PM19-0039	286 REYNOLDS RD	MECHANICAL	\$100.00
	PM19-0040	317 CATERA CT	MECHANICAL	\$244.00
	PM19-0041	408 N 20TH ST	MECHANICAL	\$100.00
	PM19-0042	319 CATERA CT	MECHANICAL	\$300.00
Total Mechanical Permits				\$1,159.75
Electrical	PE19-0035	75 N 14TH ST	ELECTRICAL	\$262.00
	PE19-0036	419 N 30TH ST	ELECTRICAL	\$121.00
	PE19-0037	601 AVENUE A - CITY HALL	ELECTRICAL	\$0.00
Total Electrical Permits				\$383.00
Plumbing	PP19-0018	227 N 22ND ST	PLUMBING	\$100.00
	PP19-0019	75 N 14TH ST	PLUMBING	\$256.00
Total Plumbing Permits				\$356.00
	PS19-0007	599 AVENUE A	SIGN	\$290.00
	PZ19-0066	557 UPTON AVE	RESHINGLE	\$50.00
	PZ19-0067	429 N 30TH ST	RESHINGLE	\$50.00
	PZ19-0068	359 N 32ND ST	RESHINGLE	\$50.00
	PZ19-0069	138 N 16TH ST	RESHINGLE	\$50.00
	PZ19-0070	277 N 25TH ST	RESHINGLE	\$100.00

Zoning

PZ19-0071	202 N 28TH ST	RESHINGLE	\$50.00
PZ19-0072	354 N 28TH ST	RESHINGLE	\$50.00
PZ19-0073	322 N 28TH ST	RESHINGLE	\$100.00
PZ19-0074	365 N 28TH ST	RESHINGLE	\$50.00
PZ19-0075	770 W GOGUAC ST	RESHINGLE	\$50.00
PZ19-0076	3024 WILBUR AVE	RESHINGLE	\$100.00
PZ19-0077	228 N HELMER	RESHINGLE	\$50.00
PZ19-0078	385 N 34TH ST	RESHINGLE	\$100.00
PZ19-0079	121 N 15TH ST	RESHINGLE	\$50.00
PZ19-0080	120 SUNDOWN	RESHINGLE	\$50.00
PZ19-0081	119 SUNDOWN	RESHINGLE	\$50.00
PZ19-0082	215 N 23RD ST	RESHINGLE	\$50.00
PZ19-0083	386 N 22ND ST	RESHINGLE	\$50.00
PZ19-0084	919 UPTON AVE	RESHINGLE	\$50.00
PZ19-0085	929 UPTON AVE	RESHINGLE	\$50.00
PZ19-0086	317 N 20TH ST	RESHINGLE	\$50.00
PZ19-0087	297 REYNOLDS RD	RESHINGLE	\$50.00
PZ19-0088	350 N 28TH ST	RESHINGLE	\$100.00
PZ19-0089	252 N 22ND ST	RESHINGLE	\$100.00
PZ19-0090	462 N 25TH ST	RESHINGLE	\$50.00
PZ19-0091	411 N 30TH ST	RESHINGLE	\$50.00
PZ19-0092	70 AVENUE A	RESHINGLE	\$50.00
PZ19-0093	983 UPTON AVE	RESHINGLE	\$100.00
PZ19-0094	218 N 28TH ST	RESHINGLE	\$100.00
PZ19-0095	140 HARMONY LN	RESHINGLE	\$100.00
PZ19-0096	160 HARMONY LN	RESHINGLE	\$50.00
PZ19-0097	985 UPTON AVE	RESHINGLE	\$50.00
PZ19-0098	443 N 25TH ST	RESHINGLE	\$50.00
PZ19-0099	32 HICKORY NUT LN	RESHINGLE	\$50.00
PZ19-0100	181 KIRKWOOD	RESHINGLE	\$50.00
PZ19-0101	290 N 30TH ST	RESHINGLE	\$50.00
PZ19-0102	216 N 21ST ST	RESHINGLE	\$50.00
PZ19-0103	324 CATERA CT	RESHINGLE	\$50.00
PZ19-0104	248 N 27TH ST	RESHINGLE	\$50.00
PZ19-0105	145 KIRKWOOD	RESHINGLE	\$50.00
PZ19-0106	831 UPTON AVE	RESHINGLE	\$50.00
PZ19-0107	327 N 28TH ST	RESHINGLE	\$50.00
PZ19-0108	328 N 28TH ST	RESHINGLE	\$50.00
PZ19-0109	453 N 24TH ST	RESHINGLE	\$50.00
PZ19-0110	210 WELLWORTH	RESHINGLE	\$50.00
PZ19-0111	216 N 23RD ST	RESHINGLE	\$50.00
PZ19-0112	238 N 22ND ST	RESHINGLE	\$50.00
PZ19-0113	388 N 20TH ST	RESHINGLE	\$50.00
PZ19-0114	419 N 29TH ST	RESHINGLE	\$50.00
PZ19-0115	980 W GOGUAC ST	RESHINGLE	\$50.00
PZ19-0116	426 N 29TH ST	RESHINGLE	\$50.00
PZ19-0117	176 NETTLES	RESHINGLE	\$50.00

Total Zoning Permits

\$3,340.00

Monthly Permit Total

\$10,234.75



Code Enforcement Report for August 2019

Prepared By: TINA SEAMAN

	Address	Date Filed	Violation	Current Status
Ordinance	575 N HELMER	8/13/19	PARKING ON UNAPPROVED SURFACE	COMPLIED - CLOSED
	136 N 12TH ST	8/27/19	FRONT YARD PARKING	COMPLIED - CLOSED
Total ORDINANCE Violations		2		
Property Maintenance	1267 AVENUE A LOT 162	8/22/19	CAUGHT LIVING IN SHED	WARNED
	700 N 20TH ST	8/13/19	BLIGHT/OUTDOOR STORAGE	IN VIOLATION - COURT
	655 N 20TH	8/13/19	BLIGHT/OUTDOOR STORAGE	IN VIOLATION - COURT
	525 N 24TH ST	8/27/19	RECYCLING/OUTDOOR STORAGE	PENDING ACTION
	53 AVENUE C	8/27/19	MATTRESS IN FRONT YARD	LETTER SENT
	67 CARL	8/27/19	BLIGHT ON FRONT PORCH	LETTER SENT
	77 AVENUE C	8/27/19	BLIGHT IN YARD	LETTER SENT
Total PROPERTY MAINTENANCE		7		
Inoperable Vehicles	77 AVENUE C	08/27/19	INOPERABLE VEHICLE	COMPLIED - CLOSED
	241 N 25TH ST	08/20/19	INOPERABLE VEHICLE	LETTER SENT
	978 UPTON AVE	08/27/19	INOPERABLE VEHICLE	LETTER SENT
Total INOP Violations		3		
Building Code	113 CARL AVE	08/27/19	BUILDING WITHOUT PERMIT - WOOD AND BLOCKS IN REAR	LETTER SENT
	1267 AVENUE A LOT 1	08/13/19	ROOFING WITHOUT PERMIT BY UNLICENSED CONTRACTOR	FINAL WARNING
	599 AVENUE A	08/27/19	PLUMBING WITHOUT PERMIT BY UNLICENSED CONTRACTOR	COMMERCIAL - OWNER FINED
Total BLDG Violations		3		
eds	888 UPTON AVE	08/15/19	NOXIOUS WEEDS	COMPLIED - CLOSED
	V/L 24TH	08/27/19	NOXIOUS WEEDS	FINAL WARNING

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Total NOXIOUS WEEDS Violations		2	
385 N 34TH ST	08/06/19	ROOSTER ON PROPERTY	COMPLIED - CLOSED
410 N 21ST ST	08/15/19	CHICKENS AND CHICKEN COOP ON PROPERTY	COMPLIED - CLOSED
Total ANIMAL Violations		2	

Total Code Enforcements for August 2019
19

DPW MONTHLY

Report / August 2019

Prepared for
City Manager / City Council

by
Terry Blaniar, Public Services Director

September 11, 2019

Labor Breakdown

	Labor Hours	o/o
Major Street		
Routine Maintenance	165	16.22%
Traffic Service Maintenance	9	0.88%
Winter Maintenance	0	0.00%
Local Street		
Routine Maintenance	73	7.18%
Traffic Service Maintenance	5	0.49%
Winter Maintenance	0	0.00%
Vehicle Equipment Maintenance	28	2.75%
Cemetery	97.5	9.59%
Parks	208	20.45%
Sewer	50.35	4.95%
Water	70.55	6.94%
City Hall and Grounds - Public Safety	112.75	11.08%
Misc. (Labor, Sick leave, Personal, Vacation, Holiday)	162.5	15.98%
Farmers Market	35.5	3.49%
Noxious Weeds / Mowing	0	0.00%
	Total Hrs. 1017.15	

Comments:

Summer is almost over. Please help remind residents not to put their leaves in the streets. We do not do leaf pickup. The crack sealing is completed for this year. The line painting and paving will start soon.

Springfield Fire Department Calls for Service August 2019

	August	August	YTD	YTD
Emergency Response Team	2018	2019	2018	2019
Canceled Priority 1 Medical calls	11	0	90	36
Respiratory Distress	9	0	63	53
Cardiac Arrest	3	0	11	6
Chest Pain	4	0	23	32
Diabetic Symptom	3	0	17	8
General Illness	0	0	6	17
Trauma	5	0	20	22
Stroke	1	0	6	7
Seizure	0	0	13	6
Overdose	5	0	13	2
Altered Levels of Consciousness	1	0	24	13
Other	4	0	17	16
Total Emergency Response Calls	46	0	304	218
Fire Service	2018	2019	YTD	YTD
Commerical Fire Alarms/False Alarm	6	3	21	10
Residential Fire Alarms/False Alarm	0	1	1	10
Structure Fires	0	0	1	2
Vehicle Fires	0	0	4	5
Appliance Fires	0	0	0	1
Dumpster/Trash Fires	0	0	1	4
Brush/Grass Fires	0	0	3	2
Burning Complaint	1	2	1	3
Odor/Smoke Investigation	1	0	11	10
Hazardous Material/Condition	4	4	14	19
Rescue/Extraction	0	0	0	0
Vehicle Accident	3	3	15	18
Vehicle Accident with Injuries	2	3	13	14
Assist Other Agency	0	0	1	7
Medical Assist	0	9	1	23
Citizen Assist	0	0	4	1
Canceled/Unfounded calls	1	3	9	22
Total Fire Service Calls	18	28	101	154
Total Department Calls for Service	64	28	405	272
Total Department Hours *	591.5	266	3574.5	2846
Average Response Time	9:32	8:09		

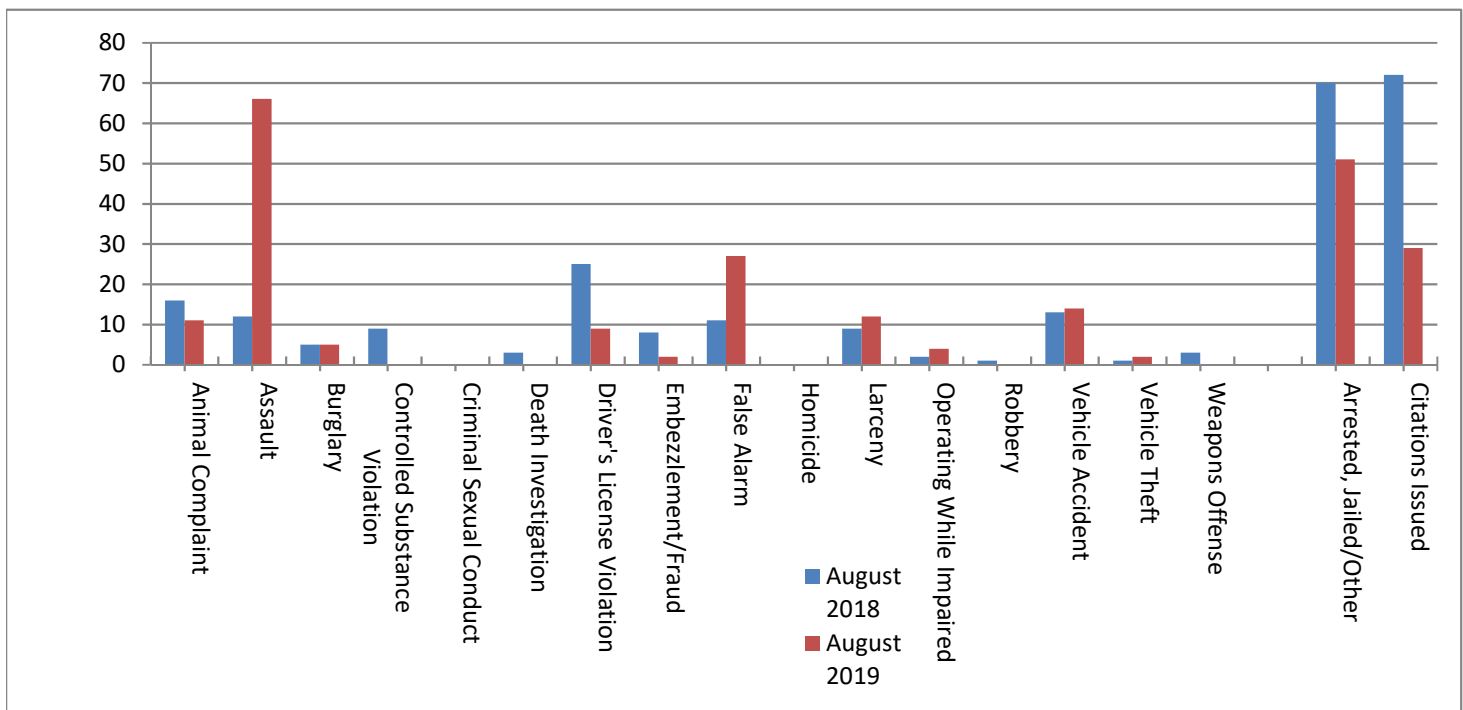
* Includes station duty, meetings, training

Appartus Response	2018	2019	YTD	YTD
Rescue (old Engine)	17	7	82	62
Engine	0	12	0	57
Squad	53	11	333	239
Brush Truck	1	0	14	8

Calhoun County Sheriff's Office

August 2019

YTD 2018	YTD 2019		August 2018	August 2019
2889	2335	Total Misc. & Criminal Calls	513	519
114	91	Animal Complaint	16	11
66	63	Assault	12	66
31	31	Burglary	5	5
36	19	Controlled Substance Violation	9	0
11	10	Criminal Sexual Conduct	0	0
13	8	Death Investigation	3	0
109	71	Driver's License Violation	25	9
36	28	Embezzlement/Fraud	8	2
172	180	False Alarm	11	27
0	0	Homicide	0	0
52	67	Larceny	9	12
15	12	Operating While Impaired	2	4
1	2	Robbery	1	0
113	106	Vehicle Accident	13	14
8	5	Vehicle Theft	1	2
5	6	Weapons Offense	3	0
361	344	Arrested, Jailed/Other	70	51
359	297	Citations Issued	72	29



Average Response Time for Priority 1 Calls: 3 minutes 53 seconds



City Manager's Report
September 16, 2019

Action Items:

1st Reading – Authorize and Limit the Number of Medical Marijuana Facilities Within the City – Ord. #04-19

This ordinance would authorize and limit the number of medical marijuana facilities within the City; to provide for local licensing; to establish penalties for violation thereof; and to otherwise protect the public health, safety and welfare.

1st Reading – An Ordinance to Amend Chapter 50 of the City of Springfield Code of Ordinances – Ord. #05-19

This ordinance would amend Chapter 50 (zoning code) of the code of ordinances to allow tattoo parlors as permitted uses in the B-3 Community Business District; create an adult business and medical marijuana corridor overlay district and to describe the boundaries thereof; to repeal conflicting ordinances; and to otherwise protect the public health, safety and welfare.

Discussion – Recreational Marijuana

The purpose of this agenda item is to continue the discussion on possible adoption of a recreational marijuana licensing ordinance. The Council has decided to opt-out for the time being until more information could be presented. The City Attorney has provided the Council with a draft recreational marijuana licensing ordinance for review and discussion. This discussion may take several meetings. The attached draft references both medical and recreational marijuana; just pay close attention to recreational marijuana language. A separate draft for recreational marijuana is still being prepared.

Bills in Line

Review and approval of City expenses.

Informational Item

- A zoning board of appeals meeting will be held directly after this meeting regarding 3950 & 4325 W Dickman Rd.

Respectfully submitted.

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Kevin A. Catlin | City Manager
City of Springfield, Michigan

CITY OF SPRINGFIELD
ORDINANCE NUMBER 04 OF 2019

AN ORDINANCE UNDER THE AUTHORITY OF THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281 (MCL 333.27101 et seq.) TO AUTHORIZE AND LIMIT THE NUMBER OF MEDICAL MARIHUANA FACILITIES WITHIN THE CITY; TO PROVIDE FOR LOCAL LICENSING; TO ESTABLISH PENALTIES FOR VIOLATION HEREOF; AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

THE CITY OF SPRINGFIELD ORDAINS:

SECTION 1. NEW ARTICLE CREATED. That the Code of Ordinances, City of Springfield, Michigan is hereby amended by adding a new Article X of Chapter 8 to read as follows:

[Chapter 8]

[BUSINESSES]

ARTICLE X. MEDICAL MARIHUANA FACILITIES

Section 8-401. Purpose.

- A. *It is the intent of this article to authorize a limited number of medical marihuana facilities in the City as authorized by the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 et seq. It is the further intent of this article to describe qualifications for licensure that are consistent with the MMFLA and rules promulgated by the Department of Licensing and Regulatory Affairs (“Department”). To the extent of any inconsistency between this ordinance and the MMFLA or rules adopted by the Department, the statutes and the rules shall prevail. It is also the intent of this article to help defray application, administrative and enforcement costs associated with the operation of medical marihuana facilities in the City through the imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marihuana facility licensee.*
- B. *Nothing in this article is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.; the Marihuana Tracking Act, MCL 333.27901, et seq.; or other applicable rules promulgated by the state of Michigan.*
- C. *As of the effective date of this article, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et*

seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this article is intended to grant immunity from any criminal prosecution under federal laws.

Section 8-402. Definitions.

For the purposes of this article:

- A. *Any term defined by the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq., shall have the definition given in that Act.*
- B. *Any term defined by the Marihuana Tracking Act, MCL 333.27901, et seq., shall have the definition given in the Marihuana Tracking Act.*
- C. *“City” means the City of Springfield, Calhoun County, Michigan.*
- D. *“Council” means the Springfield City Council.*
- E. *“Cultivate” means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.*
- F. *“Department” means the department of licensing and regulatory affairs.*
- G. *“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.*
- H. *“Industrial hemp” means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.*
- I. *“Licensee” means a person holding a state license.*
- J. *“Marihuana” means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:*
 - (1) *The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those*

stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

- (2) *Industrial hemp; or,*
- (3) *Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.*

- K. *“Marihuana facility” means a location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq.*

- L. *“Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.*

- M. *“Medical Marihuana Facilities Licensing Act” (MMFLA) means, 2016 PA 281, effective Dec. 20, 2016, MCL 333.27101 et seq.*

- N. *“Municipal license” means a license issued by the city pursuant to this article that allows a person to operate a medical marihuana facility in the city.*

- O. *“Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.*

- P. *“Processor” means a licensee that is a commercial entity located in this state 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 or another processor.*

- Q. *“Safety compliance facility” means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.*

- R. *“Secure transporter” means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.*

- S. *“State license” means a license issued by the department that allows a person to operate a medical marihuana facility.*

Section 8-403. Authorization of Facilities and Fee.

- A. *The maximum number of each type of marihuana facility allowed in the city shall be as follows:*

<u>Facility</u>	<u>Number</u>
<i>Grower</i>	[15]
(1) <i>Class A--500 marihuana plants.</i>	[5]
(2) <i>Class B--1,000 marihuana plants.</i>	[5]
(3) <i>Class C--1,500 marihuana plants.</i>	[5]
<i>Processor</i>	[5]
<i>Secure Transporter</i>	[5]
<i>Provisioning Center</i>	[5]
<i>Safety Compliance Facility</i>	[5]

- B. *A grower that has already been issued a state operating license specified as a class C-1,500 marihuana plants may apply to stack a license at a marihuana facility specified in the state operating license. The grower shall be subject to payment of a separate license fee for each local operating license stacked.*

- C. *At least every 3 years after adoption of this article, the council shall review the maximum number of each type of medical marihuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the council.*

- D. *A nonrefundable fee shall be paid by each medical marihuana facility licensed under this article in an annual amount of not more than \$5,000.00 as set by resolution of the city council.*

Section 8-404. Requirements and Procedure for Municipal License for Medical Marihuana Facilities as Authorized by MMFLA.

- A. *On and after the effective date of the ordinance adopting this article, the city shall accept applications for authorization to operate a medical marihuana facility within the city. Application shall be made on a city form and must be submitted to the city clerk and/or other designee of the city council (hereinafter referred to as “clerk”). Once the clerk receives a complete application including the initial annual medical marihuana facility licensing fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive provisional authorization to operate such medical marihuana facility within the city. Once the limit on the number of an authorized facility is reached, then any additional complete applications shall be held in consecutive time and date stamped order for future provisional authorization. Any applicant waiting for future*

provisional authorization may withdraw his/her submission by written notice to the clerk at any time and receive refund of the initial annual medical marihuana fee submitted.

- B. No person shall operate a marihuana facility in the city without a valid marihuana facility license issued by the City of Springfield pursuant to the provisions of this article.*
- C. Every applicant for a license to operate a marihuana facility shall submit with the application a copy of the applicant's state license or prequalification letter issued by the Bureau of Medical Marihuana Regulation of the Department of Licensing and Regulatory Affairs demonstrating that the bureau has determined that the applicant has prequalification status pursuant to the licensing provisions of the Medical Marihuana Facilities Licensing Act (MMFLA) and the Michigan Administrative Code.*
- D. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The clerk shall act to approve or deny an application not later than fourteen (14) days from the date the application was accepted. If approved, the clerk shall issue the applicant a provisional license.*
- E. A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the city. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.*
- F. Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the clerk shall approve or deny the marihuana facility license. The clerk shall issue marihuana facility licenses in order of the sequential application number previously assigned.*
- G. A medical marihuana facility may not operate in the city without a medical marihuana facility license having also been issued by the State of Michigan. Maintaining a valid marihuana facility license issued by the state is a condition for the issuance and maintenance of a marihuana facility license under this article and continued operation of any marihuana facility.*
- H. A marihuana facility license issued under this article is not transferable.*

Section 8-405. License Renewal.

- A. Medical marihuana facility licenses shall be valid for one year from the date of issuance, unless revoked as provided by law.*
- B. Valid medical marihuana facility licenses may be renewed on an annual basis by submitting a renewal application upon a form provided by the city and together with*

payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.

Section 8-406. Applicability.

The provisions of this article shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were created without authorization before the effective date of this article.

Section 8-407. Penalties and Enforcement.

- A. *Any person who violates any of the provisions of this article shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500, plus costs. Each day a violation of this article continues to exist constitutes a separate violation. A violator of this article shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.*
- B. *A violation of this article is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Springfield may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this article.*
- C. *This article shall be enforced and administered by the city manager or such other city official as may be designated from time to time by resolution of the council.*

SECTION 2. SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect twenty-one (21) days from the date of its passage and shall be published in a newspaper of general circulation not later than ten (10) days from the date of adoption by the City of Springfield; provided, however, that instead of publishing a true copy of the ordinance before it becomes operative, the city may publish a summary of the ordinance.

This Ordinance is hereby declared to have been passed and adopted by the City of Springfield, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this _____ day of _____, 2019.

Harry Burdett, Mayor

ATTEST:

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Kris Vogel, City Clerk

Prepared by:

John H. Macfarlane (P29075)

Anya Russell (P78759)

Mumford, Schubel, Macfarlane & Barnett, PLLC

/dlm

DRAFT

CITY OF SPRINGFIELD

ORDINANCE NUMBER 05 OF 2019

AN ORDINANCE TO AMEND CHAPTER 50 OF THE CITY OF SPRINGFIELD CODE OF ORDINANCES IN ORDER TO ALLOW TATTOO PARLORS AS PERMITTED USES IN THE B-2 COMMUNITY BUSINESS DISTRICT; TO CREATE AN ADULT BUSINESS AND MEDICAL MARIHUANA CORRIDOR OVERLAY DISTRICT AND TO DESCRIBE THE BOUNDARIES THEREOF; TO REPEAL CONFLICTING ORDINANCES; AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

THE CITY OF SPRINGFIELD ORDAINS:

SECTION 1. Section 50-2 of the Code of Ordinances, City of Springfield, Michigan is hereby amended to add the following definition:

[Sec. 50-2. - Definitions.]

Tattoo parlor means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

SECTION 2. Section 50-101 of the Code of Ordinances, City of Springfield, Michigan, is hereby amended to read as follows:

Sec. 50-101. Districts Established.

For the purpose of this chapter, the city is hereby divided into the following districts:

<i>R-1</i>	<i>One-Family Residential District</i>
<i>R-2</i>	<i>One-Family Residential District</i>
<i>R-3</i>	<i>One-Family Residential District</i>
<i>RT</i>	<i>Two-Family Residential District</i>
<i>RM-1</i>	<i>Multiple-Family Residential District</i>

<i>OS-1</i>	<i>Office Service District</i>
<i>B-1</i>	<i>Local Business District</i>
<i>B-2</i>	<i>Community Business District</i>
<i>B-3</i>	<i>General Business District</i>
<i>I-1</i>	<i>Light Industrial District</i>
<i>I-2</i>	<i>General Industrial District</i>
<i>P-1</i>	<i>Vehicular Parking District</i>
<i>PRD</i>	<i>Planned Residential District</i>
<i>PDD</i>	<i>Planned Development District</i>
<i>ABCOD</i>	<i>Adult Business Corridor Overlay District</i>
<i>MMCOD</i>	<i>Medical Marihuana Corridor Overlay District</i>

SECTION 3. Section 50-227 of the Code of Ordinances, City of Springfield, Michigan, is hereby amended to add a new sub-paragraph 11 to read as follows:

[Sec. 50-227. Principal uses permitted].

(11) Tattoo parlors.

SECTION 4. The Code of Ordinances, City of Springfield, Michigan, is hereby amended by adding a division to be numbered “15” to Chapter 50, Article III, which such division reads as follows:

[Chapter 50]

[ARTICLE III. ZONING DISTRICTS.]

Division 15. Adult Business Corridor and Medical Marihuana Corridor Overlay Districts.

Sec. 50-401 380. Purposes.

In the development and execution of this division, it is recognized that there are some uses which, because of their very nature, have serious operational characteristics, particularly when one or more of them are located in near proximity to residential zones, thereby having a deleterious effect upon adjacent areas. Regulation of these uses through location is necessary to ensure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhood. The provisions of this division are intended to prevent deterioration or blighting of residential neighborhoods.

Sec. 50-402 381. Definitions.

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

A. *For the purposes of this division:*

1. *Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.*
2. *Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.*
3. *Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.*

B. *Other defined words shall include:*

Adult bookstore *means an establishment which has a substantial portion of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs and motion pictures which are characterized by an emphasis on specified sexual activities or specified anatomical areas, or which establishment excludes admission to minors by virtue of age.*

Adult business means, but it not limited to, adult bookstores, adult video stores, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, and nude modeling studios.

Adult cabaret means a cafe, restaurant or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult novelty business means a business which has as a principal activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

Adult personal service business means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors and theatrical performances or entertainment.

Adult video store means an establishment which has in excess of 50 percent of its stock-in-trade for sale or rental to the public or patrons, videocassettes or videotapes, having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Buttock means the anus and perineum of any person.

Code means the City of Springfield Code of Ordinances.

Department means the Michigan department of Licensing and Regulatory Affairs (LARA).

Grower means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

Licensee means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

Marijuana or marihuana means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

Marijuana facility means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance

facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another, for a fee, other than by a licensed massage therapist.

Massage parlor means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.

Medical marihuana facility means a location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.

Nude modeling studio means any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

Person means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

Processor means a licensee that is a commercial entity located in Michigan 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 or another processor.

Protected use means a church, school or public park.

Provisioning center means a licensee that is a commercial entity located in Michigan 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 in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this ordinance.

Public park means any park owned and maintained by the city.

Safety compliance facility means a licensee that is a commercial entity that receives marihuana from a 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 marihuana facility.

School means a public or private school offering education to students enrolled in kindergarten or one or more grades of one through 12.

Secure transporter means a licensee that is a commercial entity located in this in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Sexual intercourse means fellatio, cunnilingus, anal intercourse and any other intrusion, however slight, of any part of a person's body, or of any object into the genital or anal openings of another's body.

Sodomy means sexual bestiality.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitalia and pubic region;
 - b. Buttock; or,
 - c. Female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) The stimulation or arousal of human genitalia;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.

Sec. 50-382. Applicability.

An adult business corridor overlay district (ABCOD) and a medical marihuana corridor overlay district (MMCOD) shall each be so designated by the City Council of the City of Springfield upon consultation with the planning commission and pursuant to the requirements of Public Act 110 of 2006 the Michigan Zoning Enabling Act (MZEA). The provisions of this division shall serve as a supplement to the original zoning of each property located within the districts. Where a conflict arises between the original zoning and the provisions of this division, the ABCOD and MMCOD shall control.

Sec. 50-383. Corridor overlay boundaries.

- A. *For the purposes of site design review (site plan review) and zoning, the adult business corridor overlay district shall include the following legally described territory:*

SPRINGFIELD CITY, SECTION 3, TOWN 2 SOUTH RANGE 8 WEST COMMENCING AT NORTHEAST CORNER OF SECTION 3; THENCE NORTH 88 DEGREES 59 MINUTES 15 SECONDS WEST 1331.61 FEET ALONG NORTH LINE OF SECTION 3; THENCE SOUTH 00 DEGREES 07 MINUTES 25 SECONDS EAST 925.32 FEET TO POINT OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST 925.32 FEET TO THE NORTH LINE OF SECTION 3; THENCE SOUTH 88 DEGREES 59 MINUTES 15 SECONDS EAST 1363.13 FEET ALONG THE NORTH LINE OF SECTION 3 TO WESTERLY RIGHT OF WAY OF 20TH STREET; THENCE SOUTH WESTERLY ALONG SAID 20TH STREET TO THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET; THENCE NORTH WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET TO THE POINT OF BEGINNING.

- B. *For the purposes of site design review (site plan review) and zoning, the medical marihuana corridor overlay district shall include the following legally described territories:*

i. SPRINGFIELD CITY, NORTH CUSTER PARK, COMMENCING AT THE SOUTHWEST CORNER OF LOT 1; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 205.5 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 118.00 FEET; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 32.6 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 150.00 FEET; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 32.4 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 444.00 FEET; THENCE SOUTH 55 DEGREES 17 MINUTES 10 SECONDS WEST 75.5 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 392 FEET; THENCE NORTH 55 DEGREES 17 MINUTES 10 SECONDS EAST 85 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 108 FEET; THENCE SOUTH 55 DEGREES 17 MINUTES 10 SECONDS WEST 120.5 FEET; THENCE SOUTH 35 DEGREES 02 MINUTES 35 SECONDS EAST 89 FEET; THENCE SOUTH 55 DEGREES 17 MINUTES 10 SECONDS WEST 160.5 FEET; THENCE NORTH 35 DEGREES 02 MINUTES 35 SECONDS WEST 1,286 FEET TO THE POINT OF BEGINNING.

ii. SPRINGFIELD CITY, SECTION 3, TOWN 2 SOUTH RANGE 8 WEST COMMENCING AT NORTHEAST CORNER OF SECTION 3; THENCE NORTH 88 DEGREES 59 MINUTES 15 SECONDS WEST 1331.61 FEET ALONG NORTH LINE OF SECTION 3; THENCE SOUTH 00 DEGREES 07 MINUTES 25 SECONDS EAST 925.32 FEET TO POINT OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST 925.32 FEET TO THE NORTH LINE OF SECTION 3; THENCE SOUTH 88 DEGREES 59 MINUTES 15 SECONDS

EAST 1363.13 FEET ALONG THE NORTH LINE OF SECTION 3 TO WESTERLY RIGHT OF WAY OF 20TH STREET; THENCE SOUTH WESTERLY ALONG SAID 20TH STREET TO THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET; THENCE NORTH WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF LAFAYETTE STREET TO THE POINT OF BEGINNING.

Sec. 50-384. *Applicability.*

Unless exempted in section 50-385 below, this division is applicable to the operation of all adult businesses and medical marihuana facilities in the City of Springfield.

Sec. 50-385. *Exempt activities.*

Uses currently permitted by underlying zoning requirements shall be permitted to continue under the regulation of the underlying zoning as long as no physical changes or changes of use requiring site plan approval are proposed.

Sec. 50-386. *Restrictions on location.*

Adult businesses and medical marihuana facilities may be located in the city only in accordance with the following restrictions:

- (a) All such businesses shall be permitted in the city but limited to the areas described in Section 50-383; provided, however, that medical marihuana facilities shall be permitted in the MMCOD only subject to conditions imposed in sections 5-408 387 and 50-388 and subject to the further review and approval of the planning commission.*
- (b) No adult business shall be located within 500 feet of a preexisting protected use.*

Sec. 50-387. *Miscellaneous requirements.*

- (a) The height, yard, lot area, lot width, building coverage, sign and parking requirements of adult businesses and medical marihuana facilities shall conform to the requirements for the underlying zone in which they are located except as otherwise specified in this article.*
- (b) No person shall reside in or permit any person to reside in the premises of an adult business.*

Sec. 50-388. *Marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, and marihuana safety compliance facility.*

A. *A marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of state law, shall be permitted in the MMCOD subject to the conditions imposed in this section for each use and subject further to the review and approval of the planning commission:*

1. *Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law shall not be permitted by the city. In the event that a court with jurisdiction declares some or all of this article invalid, then the city may suspend the acceptance of applications for special use permits pending the resolution of the legal issue in question.*

2. *Every applicant for special use permit to operate a medical marijuana facility shall submit with the application a copy of the applicant's prequalification letter issued by the Bureau of Medical Marihuana Regulation of the Department of Licensing and Regulatory Affairs demonstrating that the bureau has determined that the applicant has prequalification status pursuant to the licensing provisions of the Medical Marihuana Facilities Licensing Act (MMFLA) and the Michigan Administrative Code.*

3. *At the time of application for a special use permit, the marihuana facility must be licensed by city, or have the city license concurrently in process with the special use permit and site plan approval, and then must be at all times in compliance with the Section ~~8-404~~383 or ~~8-405~~ 384 of this code.*

5. *The marihuana facility must be at all times in compliance with all other applicable laws and ordinances of the city.*

6. *The city may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, other applicable provisions of this chapter, Article IX of Chapter 8, or the terms of the special use permit and approved site plan are not met.*

7. *A marihuana facility or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this division.*

8. *Signage requirements for marihuana establishments and facilities, unless otherwise specified, are as provided in Article VI of Chapter 50 of this code.*

B. *Marihuana growers and marihuana processors shall be subject to the following standards:*

1. *Minimum Yard Depth/Distance from Lot Lines. The minimum front, rear, and side yard setbacks for any structure used for marihuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum*

of 100 feet from all lot lines. The minimum water front setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high water mark.

2. Indoor Production and Processing. In the I-1 Light Industrial and I-2 General Industrial Districts within the MMCOD, marihuana production shall be located entirely within one or more completely enclosed buildings. In the B-3 General Business District within the MMCOD and I-1 Light Industrial and I-2 General Industrial Districts within the MMCOD, marihuana processing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.

3. Maximum Building Floor Space. The following standards apply in the I-1 Light Industrial and I-2 General Industrial districts:

- a. A maximum of 50,000 square feet of building floor space may be used for all activities associated with marihuana production on the subject property.
- b. If only a portion of a building is authorized for use in marihuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana production space and the remainder of the building.

4. Lighting. Lighting shall be regulated as follows:

- a. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
- b. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.

5. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.

- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
- b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.

- c. *The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.*
- d. *Negative air pressure shall be maintained inside the building.*
- e. *Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.*
- f. *An alternative odor control system is permitted if the special use permit applicant submits and the planning commission accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The city may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.*

6. *Security Cameras.* *If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.*

C. *Provisioning centers shall be subject to the following standards:*

- 1. *Hours.* *A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 9:00 a.m. and 9:00 p.m.*
- 2. *Indoor Activities.* *All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.*
- 3. *Other Activities.* *Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by a provisioning center.*
- 4. *Nonconforming Uses.* *A provisioning center may not locate in a building in which a nonconforming retail use related to the marijuana trade has been established in any district.*
- 5. *Physical Appearance.* *The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.*

6. Buffer Zones. A provisioning center may not be located within 500 feet of a church or within 1000 feet of a school building. The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. The planning commission may waive this section for provisioning centers. If an objection is not filed by the church or school, the city may issue the license under section 8-383 or 8-384 of this Code. If an objection is filed, the planning commission shall hold a hearing before making a decision on issuing the license.

7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.

- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
- b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
- c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
- d. Negative air pressure shall be maintained inside the building.
- e. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits and the planning accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The city may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

D. Marihuana Safety Compliance Facility shall be subject to the following standards:

1. A marihuana safety compliance facility shall be subject to the special regulations and standards applicable to medical laboratories and medical testing facilities in this code.

2. *All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.*

E. *Marihuana Secure transporters shall be subject to the following standards:*

1. *A marihuana secure transporter shall be subject to the special regulations and standards applicable to transportation and warehousing uses in this code.*

2. *Any buildings or structures used for the containment of stored materials shall comply with all set-back restrictions contained within the ordinance pertaining to the underlying district in which they are located.*

Sec. 50-389. Exceptions.

The provisions of this division regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes or medical clinics, or to the offices of a physician, surgeon, chiropractor, osteopath or physical therapist, duly licensed by the state, or to barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders of patrons.

SECTION 5. SEVERABILITY OF INVALID PROVISIONS. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid section, paragraph, clause, or provision, and for this purpose, the sections, paragraphs, clauses, and provisions of this Ordinance are hereby declared to be severable.

SECTION 6. REPEAL. Article VI of Chapter 8 of the City of Springfield Code of Ordinances and all ordinances or parts of ordinances conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 7. SAVINGS CLAUSE. A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 8. EFFECTIVE DATE. Pursuant to Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), this Ordinance shall take effect seven (7) days after publication of this Ordinance or a summary of the regulatory effect thereof which publication shall occur in a newspaper of general circulation in the city within fifteen (15) days after adoption.

This Ordinance is hereby declared to have been passed and adopted by the City of Springfield, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this _____ day of _____, 2019.

Harry Burdett, Mayor

ATTEST:

Kris Vogel, City Clerk

Prepared by:
John H. Macfarlane (P29075)
Mumford, Schubel, Macfarlane & Barnett, PLLC
68 East Michigan Avenue
Battle Creek, MI 49017
(269) 968-6146

/dlm

CITY OF SPRINGFIELD
ORDINANCE NUMBER _____ OF 2019

AN ORDINANCE UNDER THE AUTHORITY OF THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, MCL 333.27951 et seq., AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, MCL 333.27101 et seq., TO LIMIT THE NUMBER OF MARIHUANA ESTABLISHMENTS WITHIN THE CITY OF SPRINGFIELD; TO AUTHORIZE AND LIMIT THE NUMBER OF MEDICAL MARIHUANA FACILITIES WITHIN THE CITY; TO PROVIDE FOR LOCAL LICENSING; TO ESTABLISH PENALTIES FOR VIOLATION HEREOF; AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

THE CITY OF SPRINGFIELD ORDAINS:

SECTION 1. NEW ARTICLE CREATED. That the Code of Ordinances, City of Springfield, Michigan is hereby amended by adding a new Article IX of Chapter 8 to read as follows:

[Chapter 8]

[BUSINESSES]

ARTICLE IX. MEDICAL MARIHUANA FACILITIES AND MARIHUANA ESTABLISHMENTS

Section 8-401. Purpose.

- A. *It is the intent of this article to authorize a limited number of medical marihuana facilities and marihuana establishments in the City as authorized by the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 et seq., and the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq. It is the further intent of this article to describe qualifications for licensure that are consistent with the MMFLA, the MRTMA and rules promulgated by the Department of Licensing and Regulatory Affairs (“Department”). To the extent of any inconsistency between this ordinance and the MMFLA, MRTMA, or rules adopted by the Department, the statutes and the rules shall prevail. It is also the intent of this article to help defray application, administrative and enforcement costs associated with the operation of medical marihuana facilities and marihuana establishments in the City through the imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each marihuana establishment and facility licensee.*
- B. *Nothing in this article is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana*

Commented [JM1]: Note that this article addresses licensing of 2 distinct types of marihuana operations: medical marihuana *facilities* and marihuana *establishments*. The city council may elect to allow one or both of these types of facilities in the city. Keep in mind, however, that for the first two years of operation of the Michigan Regulation and Taxation of Marihuana Act, only individuals already licensed under the Medical Marihuana Facilities Licensing Act will be able to obtain licenses to operate as marihuana retailers, marihuana processors, class B marihuana growers, class C marihuana growers, or marihuana secure transporters. In other words, while the city might decide to only allow medical marihuana facilities, it would not make sense to allow only marihuana establishments since such establishments may not operate without already being licensed as medical marihuana facilities.

Act, Initiated Law 1 of 2008, MCL 333.26421, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.; the Marihuana Tracking Act, MCL 333.27901, et seq.; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27952, et seq., or other applicable rules promulgated by the state of Michigan.

- C. *As of the effective date of this article, marihuana remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this article is intended to grant immunity from any criminal prosecution under federal laws.*

Section 8-402. Definitions.

For the purposes of this article:

- A. *Any term defined by the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951, et seq., or the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq., shall have the definition given in those Acts.*
- B. *“City” means the City of Springfield, Calhoun County, Michigan.*
- C. *“Council” means the Springfield City Council.*
- D. *Any term defined by the Marihuana Tracking Act, MCL 333.27901, et seq., shall have the definition given in the Marihuana Tracking Act.*
- E. *“Cultivate” means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.*
- F. *“Department” means the department of licensing and regulatory affairs.*
- G. *“Emergency Rules” means rules promulgated by the department of Licensing and Regulatory Affairs (LARA) to establish emergency rules for the purpose of implementing the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.*
- H. *“Industrial hemp” means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.*
- I. *“Licensee” means a person holding a state license.*
- J. *“Marihuana” means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound,*

manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;*
 - (2) Industrial hemp; or,*
 - (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.*
- K. "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.*
- L. "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.*
- M. "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.*
- N. "Marihuana facility" means a location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq.*
- O. "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments, processors, provisioning centers, or another growers.*
- P. "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.*
- Q. "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.*

- R. "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments, provisioning centers or to other processors.
- S. "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- T. "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments or marihuana facilities.
- U. "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- T. "Medical Marihuana Facilities Licensing Act" (MMFLA) means, 2016 PA 281, effective Dec. 20, 2016, MCL 333.27101 et seq.,
- V. "Michigan Regulation and Taxation of Marihuana Act" (MRTMA) means Michigan Initiated Law 2018, No.1, effective Dec. 6, 2018, MCL 333.27951 et seq.
- W. "Municipal license" means a license issued by the city pursuant to this article that allows a person to operate a marihuana establishment or marihuana facility in the city.
- X. "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- Y. "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- Z. "State license" means a license issued by the department that allows a person to operate a marihuana establishment or facility.

Section 8-403. Authorization of Facilities and Fee.

- A. The maximum number of each type of marihuana facilities allowed in the city shall be as follows:

<u>Facility</u>	<u>Number</u>
Grower	[#]
(1) Class A--500 marihuana plants.	[#]
(2) Class B--1,000 marihuana plants.	[#]

Commented [JM2]: The city council will need to decide the number of each type of facility it considers appropriate for inclusion in this section. Note that "marihuana facilities" here refers to *medical* marihuana.

- (3) Class C--1,500 marihuana plants. [#]
- Processor [#]
- Secure Transporter [#]
- Provisioning Center [#]
- Safety Compliance Facility [#]

B. *The maximum number of each type of marihuana establishments allowed in the city shall be as follows:*

<u>Establishment</u>	<u>Number</u>
Marihuana Grower	[#]
(1) Class A marihuana grower authorizing cultivation of not more than 100 marihuana plants	[#]
(2) Class B marihuana grower authorizing cultivation of not more than 500 marihuana plants	[#]
(3) Class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.	[#]
Marihuana Processor	[#]
Marihuana Secure Transporter	[#]
Marihuana Retailer	[#]
Marihuana Safety Compliance Facility	[#]
Marihuana Microbusiness	[#]

C. *At least every 3 years after adoption of this article, the council shall review the maximum number of each type of marihuana establishments and facilities allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the council.*

D. *A nonrefundable fee shall be paid by each marihuana establishment and marihuana facility licensed under this article in an annual amount of not more than \$5,000.00 as set by resolution of the city council.*

Commented [JM3]: Again, note that this number needs to be decided by the city council. Marihuana establishments refer to the *recreational* use of marihuana.

Section 8-404. Requirements and Procedure for Municipal License for Marihuana Establishments as Authorized by MRTMA.

- A. *No person shall operate a marihuana establishment in the city without a valid marihuana establishment license issued by the city clerk pursuant to the provisions of this article.*
- B. *Every applicant for a license to operate a marihuana establishment shall file an application in the city clerk's office upon a form provided by the clerk.*
- C. *The city will begin accepting applications for marihuana establishments under this ordinance on Dec. 6, 2019. For 24 months after the city begins to receive applications for marihuana establishments, the city will only accept applications for licensure as follows:*
- (1) *For a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan. Proof of residency in the form of an affidavit of residency or copy of driver's license or State issued identification card must be supplied at the time of application for a class A marihuana grower or marihuana microbusiness license.*
 - (2) *For a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 to 333.27801. Applicants for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter's license must submit a copy of the applicant's state operating license issued pursuant to the Medical Marihuana Facilities Licensing Act.*
 - (3) *For a marihuana safety compliance facility, from any applicant.*
 - (4) *All applicants, regardless of the type of license being applied for, must supply a complete copy of the applicant's application for a State marihuana facilities or establishment license application when applying for a municipal license under this ordinance.*
 - (5) *One year after the city begins to accept applications pursuant to this section, the city shall begin accepting applications from any applicant if the department has determined that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.*
 - (6) *No later than 24 months after the city begins accepting applications under this ordinance, the city council will review this ordinance to determine whether*

Commented [JM4]: The approach set forth in this section is essentially mandated by the MRTMA. The act limits the issuance of licenses for the first 2 years of the statute to those applicants who already possess medical marihuana facilities licenses.

amendments are necessary to the licensing procedure due to rules promulgated by the department or other legal reason.

- D. *Upon an applicant's completion of the above-described application form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The clerk shall act to approve or deny an application not later than 90 days from the date the application is received. If approved, and if the applicant has not yet received a State license, the clerk shall issue the applicant a provisional license. The license application may be denied if the clerk finds that the applicant is not in compliance with this article or rule adopted pursuant to the MRTMA and so notifies the applicant.*
- E. *A provisional license means only that the applicant has submitted a valid application for a marihuana establishment license. The applicant shall not locate or operate a marihuana establishment without obtaining all other permits and approvals required by all other applicable articles and regulations of the city and without obtaining a State license authorizing the applicant to operate a marihuana establishment. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.*
- F. *Once the city issues a license for a marihuana establishment under this article the clerk shall notify the department that a municipal license has been issued.*
- G. *Maintaining a valid marihuana establishment license issued by the state is a condition for the issuance and maintenance of a marihuana establishment license under this article and continued operation of any marihuana establishment.*
- H. *A marihuana establishment license issued under this article is not transferable.*
- G. *If the number of applications for a certain type of marihuana establishment exceeds the limit created by the city, applicants shall be examined based on a competitive process, as outlined below. The competitive process is intended to select applicants who are best suited to operate in compliance with the MRTMA within the city. A "Capacity to Operate" plan shall be outlined by the applicant in a separate submittal (in addition to the marihuana establishment license application) within 14 days of notification by the clerk that the number of applicants exceeds the limit of that type of establishment in the city. The plan shall include:*
- (1) *Proof of capitalization demonstrating the applicant's capacity to finance its operations.*
 - (2) *Inventory control plan describing the expected timing and quantity of inventory.*
 - (3) *Operations plan describing the physical necessities of applicant's operation, including the business's physical location, facilities, equipment, inventory requirements and suppliers.*

Commented [JM5]: Required by MCL 333.27966.

Commented [JM6]: Note that if the city intends to place any limits on the number of marihuana establishments to be licensed in the city, it must decide among competing applications by a "competitive process intended to select applicants who are best suited to operate in compliance with the act." MCL 333.27959.

- (4) *Detailed policies and procedures for operation of the proposed establishment.*
- (5) *Security plan for the proposed location(s).*
- (6) *Criminal record, if any.*
- (7) *Evidence of local support in the form of letters, petitions, email messages and the like.*

Every application shall be rated using the same criteria and applicants with the highest scores shall be granted licenses to the extent that such licenses are available.

Section 8-405. Requirements and Procedure for Municipal License for Medical Marihuana Facilities as Authorized by MMFLA.

- A. *On and after the effective date of the ordinance adopting this article, the city shall accept applications for authorization to operate a medical marihuana facility within the city. Application shall be made on a city form and must be submitted to the city clerk and/or other designee of the city council (hereinafter referred to as "clerk"). Once the clerk receives a complete application including the initial annual medical marihuana facility licensing fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive provisional authorization to operate such medical marihuana facility within the city. Once the limit on the number of an authorized facility is reached, then any additional complete applications shall be held in consecutive time and date stamped order for future provisional authorization. Any applicant waiting for future provisional authorization may withdraw his/her submission by written notice to the clerk at any time and receive refund of the initial annual medical marihuana fee submitted.*
- B. *No person shall operate a marijuana facility in the city without a valid marijuana facility license issued by the City of Springfield pursuant to the provisions of this article.*
- C. *Every applicant for a license to operate a marijuana facility shall submit with the application a copy of the applicant's prequalification letter issued by the Bureau of Medical Marihuana Regulation demonstrating that the Medical Marihuana Licensing Board or its successor has determined that the applicant has prequalification status pursuant to the licensing provisions of the Medical Marihuana Facilities Licensing Act (MMFLA) and MMFLA Emergency Rule 4.*
- D. *Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The clerk shall act to approve or deny an application not later than fourteen*

(14) days from the date the application was accepted. If approved, the clerk shall issue the applicant a provisional license.

- E. A provisional license means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the city. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.*
- F. Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the clerk shall approve or deny the marijuana facility license. The clerk shall issue marijuana facility licenses in order of the sequential application number previously assigned.*
- G. A medical marijuana facility may not operate in the city without a medical marijuana facility license having also been issued by the State of Michigan. Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility license under this article and continued operation of any marijuana facility.*
- H. A marijuana facility license issued under this article is not transferable.*

Section 8-406. License Renewal.

- A. Medical marijuana facility licenses and marijuana establishment licenses shall be valid for one year from the date of issuance, unless revoked as provided by law.*
- B. Valid medical marijuana facility licenses and valid marijuana establishment licenses may be renewed on an annual basis by submitting a renewal application upon a form provided by the city and together with payment of the annual license fee. Application to renew a marijuana facility license and/or marijuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.*

Section 8-407. Applicability.

The provisions of this article shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marijuana facility or establishment were created without authorization before the effective date of this article.

Section 8-408. Penalties and Enforcement.

- A. Any person who violates any of the provisions of this article shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500, plus costs. Each day a violation of this article continues to exist constitutes a separate*

violation. A violator of this article shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- B. A violation of this article is deemed to be a nuisance per se. In addition to any other remedy available at law, the City of Springfield may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this article.
- C. This article shall be enforced and administered by the city manager or such other city official as may be designated from time to time by resolution of the council.

SECTION 2. SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect twenty-one (21) days from the date of its passage and shall be published in a newspaper of general circulation not later than ten (10) days from the date of adoption by the City of Springfield; provided, however, that instead of publishing a true copy of the ordinance before it becomes operative, the city may publish a summary of the ordinance.

This Ordinance is hereby declared to have been passed and adopted by the City of Springfield, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this _____ day of _____, 2019.

Harry Burdett, Mayor

ATTEST:

Kris Vogel, City Clerk

Prepared by:
John H. Macfarlane (P29075)
Anya Russell (P78759)
Mumford, Schubel, Macfarlane & Barnett, PLLC

/dlm

CITY OF SPRINGFIELD BILLS IN LINE
INVOICE GL DISTRIBUTION REPORT FOR INVOICES PAID 08/25/19 TO 09/07/19

Dept 301 POLICE DEPARTMENT			
101-301-723.10	MEDICAL INS STIPEND-RETIREES	CAROL GRAHAM	160.00
101-301-723.10	MEDICAL INS STIPEND-RETIREES	DAVID SAUNDERS	160.00
101-301-723.10	MEDICAL INS STIPEND-RETIREES	LEO SAVIO	160.00
101-301-723.10	MEDICAL INS STIPEND-RETIREES	MICHAEL MILESKI	160.00
101-301-723.10	MEDICAL INS STIPEND-RETIREES	WILLIAM MCMILLAN	160.00
101-301-752.20	OPERATING SUPPLIES	CULLIGAN	24.00
101-301-752.20	OPERATING SUPPLIES	CULLIGAN	6.40
101-301-801.04	PROSECUTION	MUMFORD, SCHUBEL, ET AL.	1,598.00
101-301-801.43	POLICE SERVICE-COUNTY	CALHOUN COUNTY TREASURER	77,538.60
101-301-801.43	POLICE SERVICE-COUNTY	MICHIGAN MUNICIPAL RISK	320.27
101-301-801.43	POLICE SERVICE-COUNTY	MICHIGAN MUNICIPAL RISK	98.73
101-301-850.10	TELEPHONE	CTS TELECOM INC	42.54
101-301-919.00	REFUSE SERVICE-WM	WASTE MANAGEMENT OF MICHIGAN	61.20
101-301-931.00	OFFICE EQUIPMENT/MAINTENANCE	CORNERSTONE OFFICE SYSTEMS	66.82
101-301-935.00	INSURANCE-PROPERTY & LIABILITY	MICHIGAN MUNICIPAL RISK	2,809.20
101-301-935.00	INSURANCE-PROPERTY & LIABILITY	MICHIGAN MUNICIPAL RISK	866.05
		Total For Dept 301 POLICE DEPARTMENT	84,231.81
Dept 336 FIRE DEPARTMENT			
101-336-723.10	MEDICAL INS STIPEND-RETIREES	CAROL GRAHAM	40.00
101-336-723.10	MEDICAL INS STIPEND-RETIREES	DAVID SAUNDERS	40.00
101-336-723.10	MEDICAL INS STIPEND-RETIREES	LEO SAVIO	40.00
101-336-723.10	MEDICAL INS STIPEND-RETIREES	MICHAEL MILESKI	40.00
101-336-723.10	MEDICAL INS STIPEND-RETIREES	WILLIAM MCMILLAN	40.00
101-336-752.20	OPERATING SUPPLIES	CULLIGAN	6.00
101-336-752.20	OPERATING SUPPLIES	CULLIGAN	1.60
101-336-752.30	EQUIPMENT PARTS & SUPPLIES	SPRINGFIELD DO IT CENTER	35.46
101-336-850.10	TELEPHONE	CTS TELECOM INC	10.64
101-336-850.50	RADIO MAINTENANCE	RADIO COMMUNICATIONS	3,911.49
101-336-910.05	TRAINING & EDUCATION	ADAM GIBSON	75.00
101-336-919.00	REFUSE SERVICE-WM	WASTE MANAGEMENT OF MICHIGAN	15.30
101-336-931.00	OFFICE EQUIPMENT/MAINTENANCE	CORNERSTONE OFFICE SYSTEMS	16.71
101-336-935.00	INSURANCE-PROPERTY & LIABILITY	MICHIGAN MUNICIPAL RISK	591.42
101-336-935.00	INSURANCE-PROPERTY & LIABILITY	MICHIGAN MUNICIPAL RISK	182.33
		Total For Dept 336 FIRE DEPARTMENT	5,045.95
Dept 532 PUBLIC SERVICES			
101-532-724.35	UNIFORMS	CINTAS CORPORATION	65.83
101-532-724.35	UNIFORMS	MENARDS-BATTLE CREEK	9.99
101-532-724.35	UNIFORMS	CINTAS CORPORATION	65.83
101-532-930.01	CITY HALL OPERATIONS & MAINT	FASTENAL COMPANY	5.50
101-532-930.01	CITY HALL OPERATIONS & MAINT	MEDLER ELECTRIC CO	117.12
101-532-930.01	CITY HALL OPERATIONS & MAINT	WASTE MANAGEMENT OF MICHIGAN	97.51
101-532-930.01	CITY HALL OPERATIONS & MAINT	SPRINGFIELD DO IT CENTER	121.89
101-532-930.03	PARKS/RECREATION OPER & MAINT	AHS PROPERTY CARE & LANDSCAPE SUPPLY	160.00
101-532-930.03	PARKS/RECREATION OPER & MAINT	AHS PROPERTY CARE & LANDSCAPE SUPPLY	80.00
101-532-930.03	PARKS/RECREATION OPER & MAINT	BOSKER BRICK CO	513.58
101-532-930.03	PARKS/RECREATION OPER & MAINT	FLASH SANITATION INC	95.00
101-532-935.00	INSURANCE-PROPERTY & LIABILITY	MICHIGAN MUNICIPAL RISK	2,001.09
101-532-935.00	INSURANCE-PROPERTY & LIABILITY	MICHIGAN MUNICIPAL RISK	616.91
101-532-955.05	MISCELLANEOUS EXPENSES	DYNAMIX LAWN & LANDSCAPING	100.00
101-532-975.00	CAPITAL OUTLAY - IMPROVEMENTS	A-1 AUTO GLASS & UPHOLSTERY CO	832.38
101-532-975.00	CAPITAL OUTLAY - IMPROVEMENTS	MENARDS-BATTLE CREEK	19.25
		Total For Dept 532 PUBLIC SERVICES	4,901.88
		Total For Fund 101 GENERAL FUND	103,524.08

CITY OF SPRINGFIELD BILLS IN LINE
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Fund 202 MAJOR STREET FUND			
Dept 463 ROUTINE MAINTENANCE			
202-463-775.60	STREET MAINTENANCE MATERIAL	LAKELAND ASPHALT CO	107.59
202-463-775.60	STREET MAINTENANCE MATERIAL	LAKELAND ASPHALT CO	129.47
			237.06
Total For Dept 463 ROUTINE MAINTENANCE			237.06
Total For Fund 202 MAJOR STREET FUND			237.06

Fund 244 ECONOMIC DEVELOPMENT FUND			
Dept 000			
244-000-672.05	SALE OF CITY PROPERTY	CITY OF SPRINGFIELD	714.00
Total For Dept 000			714.00
Total For Fund 244 ECONOMIC DEVELOPMENT FUND			714.00

Fund 508 FARMERS MARKET FUND			
Dept 755 FARMERS MARKET			
508-755-752.25	REPAIR & MAINT SUPPLIES	MEDLER ELECTRIC CO	262.97
508-755-752.25	REPAIR & MAINT SUPPLIES	SPRINGFIELD DO IT CENTER	9.28
508-755-801.88	INTERNET ACCESS	COMCAST	69.90
508-755-850.10	TELEPHONE	COMCAST	54.28
508-755-919.00	REFUSE SERVICE-WM	WASTE MANAGEMENT OF MICHIGAN	189.21
508-755-956.06	SPECIAL EVENTS	ELLIS SALES	255.00
508-755-956.06	SPECIAL EVENTS	WE'RE NOT JIMMY	900.00
508-755-956.06	SPECIAL EVENTS	BIGGBY COFFEE	30.00
508-755-956.06	SPECIAL EVENTS	RECOGNITION INC	389.00
508-755-956.06	SPECIAL EVENTS	SPRINGFIELD DO IT CENTER	7.98
508-755-956.06	SPECIAL EVENTS	TORTI TACO	116.00
Total For Dept 755 FARMERS MARKET			2,283.62
Total For Fund 508 FARMERS MARKET FUND			2,283.62

Fund 549 BUILDING FUND			
Dept 371 INSPECTION DEPARTMENT			
549-371-724.45	CELL PHONE STIPEND	DOUG SCOTT	30.00
549-371-724.45	CELL PHONE STIPEND	RANDY BUSHEE	30.00
549-371-724.45	CELL PHONE STIPEND	STEVE BULLER	60.00
549-371-955.05	MISCELLANEOUS EXPENSES	VENTURE TECHNOLOGIES INC	1,145.00
Total For Dept 371 INSPECTION DEPARTMENT			1,265.00
Total For Fund 549 BUILDING FUND			1,265.00

Fund 590 SEWER FUND			
Dept 536 OPERATING EXPENSES-SEWER/WATER			
590-536-801.00	CONTRACTUAL SERVICES	FLEIS & VANDENBRINK ENGINEERING INC	14,098.63
590-536-801.20	ANSWERING SERV/MISS DIG	AMBS CALL CENTER	50.00
590-536-955.05	MISCELLANEOUS EXPENSES	FASTENAL COMPANY	54.86
Total For Dept 536 OPERATING EXPENSES-SEWER/WATER			14,203.49
Total For Fund 590 SEWER FUND			14,203.49

Fund 591 WATER FUND			
Dept 000			
591-000-276.00	OVERPAYMENTS-UB	HPT INVESTMENTS LLC	33.42
Total For Dept 000			33.42

CITY OF SPRINGFIELD BILLS IN LINE
INVOICE GL DISTRIBUTION REPORT FOR INVOICES PAID 08/25/19 TO 09/07/19

Dept 536 OPERATING EXPENSES-SEWER/WATER			
591-536-752.25	REPAIR & MAINT SUPPLIES	FERGUSON ENTERPRISES INC	1,794.65
591-536-801.00	CONTRACTUAL SERVICES	FLEIS & VANDENBRINK ENGINEERING INC	4,693.44
591-536-801.00	CONTRACTUAL SERVICES	HYDROCORP	1,455.00
591-536-801.20	ANSWERING SERV/MISS DIG	AMBS CALL CENTER	50.00
591-536-955.05	MISCELLANEOUS EXPENSES	FASTENAL COMPANY	54.86
Total For Dept 536 OPERATING EXPENSES-SEWER/WATER			8,047.95
Total For Fund 591 WATER FUND			8,081.37
Fund 661 VEHICLE FUND			
Dept 246 CITY HALL			
661-246-936.00	VEHICLE INSURANCE	MICHIGAN MUNICIPAL RISK	145.80
661-246-936.00	VEHICLE INSURANCE	MICHIGAN MUNICIPAL RISK	44.95
661-246-981.00	CAPITAL OUTLAY - VEHICLE	BEE XTREME WINDOW TINTING	150.00
Total For Dept 246 CITY HALL			340.75
Dept 336 FIRE DEPARTMENT			
661-336-759.00	GASOLINE	FUEL MANAGEMENT SYSTEM	130.30
661-336-932.00	VEHICLE MAINTENANCE	CITY OF BATTLE CREEK	138.00
661-336-936.00	VEHICLE INSURANCE	MICHIGAN MUNICIPAL RISK	2,167.72
661-336-936.00	VEHICLE INSURANCE	MICHIGAN MUNICIPAL RISK	668.28
Total For Dept 336 FIRE DEPARTMENT			3,104.30
Dept 532 PUBLIC SERVICES			
661-532-760.15	LUBRICANTS & HYDRAULIC OIL	SPRINGFIELD DO IT CENTER	4.79
661-532-932.00	VEHICLE MAINTENANCE	ALTA EQUIPMENT COMPANY	603.76
661-532-932.00	VEHICLE MAINTENANCE	BRAD GRAY'S AUTO BODY LLC	1,393.50
661-532-932.00	VEHICLE MAINTENANCE	CRUISERS	1,579.75
661-532-936.00	VEHICLE INSURANCE	MICHIGAN MUNICIPAL RISK	1,647.76
661-532-936.00	VEHICLE INSURANCE	MICHIGAN MUNICIPAL RISK	507.99
Total For Dept 532 PUBLIC SERVICES			5,737.55
Total For Fund 661 VEHICLE FUND			9,182.60
Fund Totals:			
Fund 101 GENERAL FUND			103,524.08
Fund 202 MAJOR STREET FUND			237.06
Fund 244 ECONOMIC DEVELOPMENT FUND			714.00
Fund 508 FARMERS MARKET FUND			2,283.62
Fund 549 BUILDING FUND			1,265.00
Fund 590 SEWER FUND			14,203.49
Fund 591 WATER FUND			8,081.37
Fund 661 VEHICLE FUND			9,182.60
Total For All Funds:			139,491.22