



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
Tuesday, December 1, 2020 @ 7:00 PM
Zoom Meeting**

<https://us02web.zoom.us/j/87671768779>

One South Huron, Ypsilanti, MI 48197

Page

I. CALL TO ORDER

II. ROLL CALL

III. AGENDA APPROVAL

IV. PUBLIC COMMENT (3 MINUTES)

V. PRESENTATIONS

- 3** A. Proclamation regarding National Hand Washing Week - City Manager Frances McMullan
[Proclamation](#)

VI. CONSENT AGENDA

- 4** A. Resolution No. 2020-259, approving the Consent Agenda.
[2020-259 - Pdf](#)
- 5 - 13** B. Resolution No. 2020-260, approving the minutes of November 17, 2020.
[2020-260 - Pdf](#)
- 14** C. Resolution No. 2020-261, approving appointments of Non-Residents to Boards and Commissions.
[2020-261 - Pdf](#)
- 15 - 27** D. Resolution No. 2020-262, approving Ordinance 1371 an ordinance to amend City Code by removing chapter 7 and 8 and replace it with a new Chapter 7 – MARIJUANA. **(Second Reading)**
[2020-262 - Pdf](#)

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

- 28** A. Resolution No. 2020-263, approving Ordinance 1370, an ordinance tilted Medical and Recreational Marijuana Facility Zoning Modifications. **(Second Reading)**
[2020-263 - Pdf](#)

- B. Discussion regarding the potential Water Street Development (30 minutes)

VIII. LIAISON REPORTS

1. SEMCOG Update
2. Washtenaw Area Transportation Study
3. Urban County
4. Ypsilanti Downtown Development Authority
5. Friends of Rutherford Pool

IX. COUNCIL PROPOSED BUSINESS

X. COMMUNICATIONS FROM THE MAYOR

XI. COMMUNICATIONS FROM THE CITY MANAGER

XII. COMMUNICATIONS

XIII. ADJOURNMENT

29

- A. Resolution No. 2020-264, adjourning the City Council Meeting.
[2020-264 - Pdf](#)
- B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.

2020 PROCLAMATION
National Hand Washing Week

WHEREAS, National Hand Washing Week is held from December 1st through December 7th; and

WHEREAS, personal hygiene begins and ends with our hands; and

WHEREAS, regular handwashing is one of the best ways to remove germs, avoid getting sick and prevent the spread of germs to others; and

WHEREAS, experts recommend washing your hands with soap and water for at least twenty seconds; and

WHEREAS, COVID-19 gets onto hands and is not washed off, it can be passed from person to person; and

WHEREAS, germs from unwashed hands can get into the body through the mouth, nose, and eyes and make people sick; and

WHEREAS, good hand hygiene, whether through hand washing or using an alcohol based hand sanitizer if soap and water are not available, reduces the spread of germs that can cause illness, especially if done at key times throughout the day; and

WHEREAS, hand hygiene is only one tool in the fight against COVID-19; and

WHEREAS, wearing a mask, properly disinfecting surfaces, and maintaining social distance is essential in keeping the residents of this city, state, country, and planet safe.

NOW, THEREFORE BE IT RESOLVED, that Frances McMullan, City Manager of the city of Ypsilanti declares the December 1st through 7th, to be Hand Washing Awareness Week. I encourage all citizens to care for themselves, and their neighbors by follow all CDC guidelines to combat COVID 19.



Resolution No. 2020-259
December 1, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. **Resolution No. 2020-260, approving the minutes of November 17, 2020.**
2. **Resolution No. 2020-261, approving appointments of Non-Residents to Boards and Commissions.**
3. **Resolution No. 2020-262, approving Ordinance 1371 an ordinance to amend City Code by removing chapter 7 and 8 and replace it with a new Chapter 7 – MARIJUANA. (Second Reading)**

OFFERED BY: _____

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 1 day of December 2020

#Resolution No. 2020-259



MINUTES REGULAR COUNCIL Meeting

7:00 PM - Tuesday, November 17, 2020
Zoom Meeting

The REGULAR COUNCIL of the City of Ypsilanti was called to order on Tuesday, November 17, 2020, at 7:00 PM, in the Zoom Meeting, with the following members present:

PRESENT: Council Member Jennifer Symanns, Council Member Steven Wilcoxon, Mayor Pro-Tem Nicole Brown, Mayor Lois Richardson, Council Member Anthony Morgan, and Council Member Annie Somerville

VACANT: Ward 1

I. CALL TO ORDER

II. ROLL CALL

III. AGENDA APPROVAL

IV. PUBLIC COMMENT (3 MINUTES)

V. PRESENTATIONS

- a) Peninsular Paper Dam Removal Update - Daniel Brown, Huron River Watershed Council.
- b) Presentation of CAFR Award 6/30/2019

VI. ORDINANCES FIRST READING

- a) *Ordinance 1370 -An Ordinance Entitled "Medical and Recreational Marijuana Facility Zoning Modifications"*
 - 1. Resolution No. 2020-246, determination.
 - 2. Public Hearing
 - 3. Resolution No. 2020-247. close the public hearing

Council Member Steven Wilcoxon moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-247.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the public hearing for an ordinance titled Medical and Recreational Marijuana Facility Modifications be officially closed.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Council Member Annie Somerville

AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

Council Member Annie Somerville moved, seconded by Council Member Steven Wilcoxon, to Call the Question.

RESULT: CARRIED.
MOVER: Council Member Annie Somerville
SECONDER: Council Member Steven Wilcoxon
AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, and Annie Somerville
ABSENT: Anthony Morgan

Council Member Annie Somerville moved, seconded by Council Member Anthony Morgan, to approve Resolution No. 2020-246.
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City has an interest in protecting the economic diversity and image of the community; and

WHEREAS, the City has an interest in promoting and supporting local businesses and their growth; and

WHEREAS, the Planning Commission has recommended the City Council adopt the proposed ordinance change;

NOW THEREFORE BE IT RESOLVED THAT the Ypsilanti City Council adopt the ordinance titled Medical and Recreational Marijuana Facility Modifications.

RESULT: CARRIED.
MOVER: Council Member Annie Somerville
SECONDER: Council Member Anthony Morgan
AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, and Annie Somerville
NAYS: Anthony Morgan

- b)** *Ordinance 1371-* An ordinance to amend City Code by merging Chapters 7 and 8.
1. Resolution No. 2020-248, determination.
 2. Public Hearing
 3. Resolution No. 2020-249. close the public hearing

Council Member Annie Somerville moved, seconded by Mayor Pro-Tem Nicole Brown, to approve Resolution No. 2020-249.

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

That the public hearing for an ordinance entitled: An ordinance to merge Chapter 7 and 8 of the City Code into a single Chapter, Chapter 7, by officially closed.

RESULT: CARRIED.
MOVER: Council Member Annie Somerville
SECONDER: Mayor Pro-Tem Nicole Brown
AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

Council Member Annie Somerville moved, seconded by Council Member Steven Wilcoxon, to Call the Question.

RESULT:	DEFEATED.
MOVER:	Council Member Annie Somerville
SECONDER:	Council Member Steven Wilcoxon
AYES:	Steven Wilcoxon, Nicole Brown, and Annie Somerville
NAYS:	Jennifer Symanns, Lois Richardson, and Anthony Morgan

Council Member Jennifer Symanns moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-248.

RESOLUTION TO AMEND CHAPTER 7-MARIHUANA & CHAPTER 8 – ADULT USE OF THE YPSILANTI CITY CODE, ON FIRST READING

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The certain ordinance entitled: An ordinance to merge Chapter 7 and 8 of the City Code into a single Chapter, Chapter 7, be adopted on first reading.

RESULT:	CARRIED.
MOVER:	Council Member Jennifer Symanns
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

VII. CONSENT AGENDA

- a) Resolution No. 2020-250, approving the Consent Agenda.

**Council Member Anthony Morgan moved, seconded by Mayor Pro-Tem Nicole Brown,
RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:**

That the following items be approved:

1. Resolution No. 2020-251, approving the minutes of November 9 and 10, 2020.
2. Resolution No. 2020-252, approving Ordinance 1357 - An ordinance to amend Section 46-34 of the Ypsilanti City Code to provide that Ethics Complaints be filed with the City Clerk (Second Reading)
3. Resolution No. 2020-253, approving Ordinance - 1369, An Ordinance Entitled "2019 WINTER TRAFFIC CONTROL ORDERS" (Second Reading)

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Mayor Pro-Tem Nicole Brown
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

- b) Resolution No. 2020-251, approving the minutes of November 9 and 10, 2020.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of November 9 & 10, 2020 be approved.

- c) Resolution No. 2020-252, approving Ordinance 1357 - An ordinance to amend Section 46-34 of the Ypsilanti City Code to provide that Ethics Complaints be filed with the City Clerk **(Second Reading)**

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

An ordinance to Amend Section 46-34 of the Ypsilanti City Code to provide that Ethics Complaints be filed with the City Clerk be adopted on Second and Final Reading.

- d) Resolution No. 2020-253, approving Ordinance - 1369, An Ordinance Entitled "2019 WINTER TRAFFIC CONTROL ORDERS" **(Second Reading)**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the Traffic Review Committee has reviewed several traffic control requests and made appropriate recommendations based on best practices, City ordinance, and City policy; and

WHEREAS, the City Council reviewed and approved policy direction for parking system changes in Downtown, Depot Town, and West Cross; and

WHEREAS, the Traffic Review Committee reviewed engineering recommendations for bridge weight limits; and

WHEREAS, the Traffic Review Committee reviewed and recommended a request to limit parking adjacent to the Parkridge Community Center to guests of the PCC and the Ypsilanti Housing Commission Offices; and

WHEREAS, the City Manager has seen fit to issue temporary Traffic Control Orders 2020-001 through 011 based on said recommendations; and

WHEREAS, the City Manager recommends City Council provide final approval for the Traffic Control Orders listed above.

NOW THEREFORE BE IT RESOLVED, THAT the City Council hereby approves Traffic Control Orders as listed and adopts an ordinance entitled 2019 Winter Traffic Control Orders on Second and Final Reading.

VIII. RESOLUTIONS/MOTIONS/DISCUSSIONS

- a) Resolution No. 2020-254, approving to acquire and construct certain improvements to the Ypsilanti Community Utility Authority Wastewater Treatment Plant.

WHEREAS, it is necessary to acquire and construct certain improvements to the wastewater treatment plant, consisting of upgrades to the aeration blower system and replacement of the primary switchgear for the electrical supply to the plant, together with all necessary appurtenances and attachments thereto (the "Project"), to serve the City and the Charter Township of Ypsilanti (the "Township"); and

WHEREAS, a contract (the "Contract") has been prepared among the City, the Township and the Ypsilanti Community Utilities Authority (the "Authority") whereby the Authority will issue its bonds (the "Bonds") on behalf of the City and the Township to provide for the financing of costs of the Project; and

WHEREAS, this Governing Body has carefully reviewed the Contract and finds that it provides the best means for accomplishing the Project and for providing the needed services.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Contract is hereby approved and the Mayor and the City Clerk of the City are hereby authorized and directed to execute and deliver the Contract for and on behalf of the City; provided, however, that Contract shall not become effective until the expiration of forty-five (45) days after the publication of the attached notice as a display advertisement of at least ¼ page in size in the *Washtenaw Legal News*, a newspaper of general circulation within the City, which manner of publication is deemed by the Governing Body to be the most effective manner of informing the taxpayers and electors of the City of the details of the proposed Contract and the rights of referendum thereunder.

2. The City Clerk is directed to publish the attached notice in the newspaper above designated as soon as possible after the adoption hereof.

3. All resolutions and parts of resolutions in conflict with this resolution be, and the same hereby are repealed.

Council Member Steven Wilcoxon moved, seconded by Council Member Anthony Morgan, to approve Resolution No. 2020-254.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Council Member Anthony Morgan
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

b) Resolution No. 2020-255, approving the 2020 Winter Special Assessments.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That, the City Treasurer be authorized to levy and assess on the December 2020 tax roll the attached listing of unpaid bills totaling \$121,122.96

Council Member Anthony Morgan moved, seconded by Council Member Steven Wilcoxon, to approve Resolution No. 2020-255.

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Council Member Steven Wilcoxon
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

c) Resolution No. 2020-256, approving a late fine amnesty on all parking tickets issued on or before December 31, 2018 to extend through January 31, 2021.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the City has seen a significant reduction in parking meter revenue due to the effects of the COVID-19 pandemic; and

WHEREAS, there is a significant balance of unpaid parking tickets; and

WHEREAS, the City recognizes that many people are also facing challenging financial circumstances; and

NOW THEREFORE BE IT RESOLVED, THAT the City Council hereby grants a late fine amnesty on all parking tickets issued on or before December 31, 2018, to extend through January 31, 2021.

Council Member Steven Wilcoxon moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-256.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

- d) Resolution No. 2020-257, approving procedures for Board and Commission as a result in the voter approval of Prop A and B during the November General Election.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas the City Council adopts the following Boards and Commission Procedure:

Applications

Council Members will be informed automatically of online submissions. Paper applications will be forwarded to Council when received. Council shall consult the Submitted Board and Commission Applications Spreadsheet to check residency status.

Council should consult with staff liaisons, if applicable, when appointing members to commissions which have specific requirements or skill sets, especially the Historic District Commission, Planning Commission, and Zoning Board of Appeals. Further qualifications shall be reviewed by members of Council seeking to nominate the applicant. Applicants should be encouraged to attend the applicable board or commission meeting prior to nomination.

The nomination, appointment, and notification process shall follow the procedure established at the Council Organizational meeting.

The applicable Board or Commission chair will be informed of any nominations.

Candidates should be encouraged to introduce themselves to Council during the meeting with their nomination. If Council Members have further questions for candidates after nomination, they should reach out to said candidate individually prior to appointment.

Nominations of Multiple Candidates for a Single Seat

During the "Boards and Commissions – Nominations" Section of the Agenda Council will indicate by vote which candidate will receive the nomination for appointment.

Appointment

Each applicant will be provided the Board and Commission Welcome Packet upon taking the Oath of Office as approved in Resolution No. 2019-258.

Vacancies and Expirations

The staff liaison or Clerk staff shall inform board and commission members of their upcoming term expiration at least one month prior to expiration to allow adequate time for reappointment or replacement. Liaisons will ask members of their intention to seek reappointment and inform the Clerk Office who will then provide the update to Council.

Now therefore be it resolved that this application and maintenance procedure for board and commission membership be approved.

Mayor Pro-Tem Nicole Brown moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-257.

RESULT:	CARRIED.
MOVER:	Mayor Pro-Tem Nicole Brown
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, and Annie Somerville

IX. LIAISON REPORTS

1. SEMCOG Update - none
2. Washtenaw Area Transportation Study - meeting tomorrow
3. Urban County - none
4. Ypsilanti Downtown Development Authority - upcoming visioning session on Thursday for long-term strategic planning
5. Friends of Rutherford Pool - construction is ending, cost overruns for unforeseen costs were picked up by the Friends of Rutherford Pool. The cost of solar panels will be reduced from the anticipated price due to greater efficiency and panel cost reduction.

X. COUNCIL PROPOSED BUSINESS

Wilcoxon

- Nominated Beth Gibbons to the Sustainability Commission as a non-resident. Seconded by Council Member Somerville.

Somerville

- None

Symanns

- Thanked staff for the speed signs throughout the City.

Morgan

- Apologized for his outburst earlier
- Wants all residents to stay safe and follow the executive orders.

Brown

- None

XI. COMMUNICATIONS FROM THE MAYOR

- Encouraged residents to wear masks

XII. COMMUNICATIONS FROM THE CITY MANAGER

- In person meeting about the Water Street will now be virtual.
- City Hall will be closed for in-person business for the next three weeks.
- Encouraged residents to reduce time outside of the home and adhere to the CDC guidelines.

XIII. COMMUNICATIONS

- a) 2021 Holiday Calendar
- b) Ward 1 Vacancy Interviews November 24, 2020 at 6:00 pm
- c) Housing Affordability Work Session December 8, 2020 at 7:00 pm

XIV. ADJOURNMENT

- a) Resolution No. 2020-258, adjourning the City Council Meeting.
- b) Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.



REQUEST FOR LEGISLATION

TO:

FROM: Joe Meyers

DATE: December 1, 2020

SUBJECT: Revision of Marihuana Ordinance

DESCRIPTION:

Revision of Marihuana Ordinance

SUMMARY:

The City of Ypsilanti Code Chapter 7 deals with Medical Marihuana and Chapter 8 deals with Adult use marihuana. There have been a number of changes on the state level concerning permitting and licensing of marihuana establishments. In order to harmonize the code sections and avoid confusion staff has reviewed the code sections and revised them into one chapter.

ATTACHMENTS: Proposed Ordinance

RECOMMENDED ACTION: Adoption of the ordinance

CITY MANAGER APPROVAL: _____ **COUNCIL AGENDA DATE:** _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1371**

1. **THE CITY OF YPSILANTI HEREBY ORDAINS** That the Ypsilanti City Code is hereby amended to remove chapter 7 and 8 and replace it with a new Chapter 7 –MARIJUANA, Which Chapter reads as follows:

Chapter 7 - Marihuana

Sec. 7-1. - Purpose.

The purpose of this ordinance is to combine the adult use marihuana and the medical establish standards and procedures for the review and input of the City of Ypsilanti on the participation in the adult-use and medical marihuana industry in accordance with the Michigan Regulation and Taxation of the Marihuana Act, *Initiated Law 1 of 2018*, MCL 333.27951et sec., Medical Marihuana Facilities Act (MMFLA), Michigan Medical Marihuana Act (MMMA) and Marihuana Tracking Act (MTA) and in accordance with the act:

- a) establish standards and procedures for the review and input of the City of Ypsilanti on the issuance, renewal and/or revocation of permits for marihuana establishments within the boundaries of the City,
- b) place limits on the number of marihuana establishments within the City,
- c) regulate the time place and manner of operation of marihuana establishments within the City,
- d) regulate the production, manufacture, sale or display of marihuana accessories,
- e) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or special events in limited areas and for a limited time,
- f) designate for a civil infraction for a violation of the ordinance by a marihuana establishment and provide a penalty of civil fine not more than \$500,
- g) require a City permit for a marihuana establishment within the city and impose qualifications for such permit that do not conflict with state law,
- h) charge an annual fee for marihuana establishments of not more than \$5,000 to help to defray application, administrative and enforcement costs associated with the operation of the marihuana establishment, all in order to:

1. Serve and protect the health, safety, and welfare of the general public;
2. Establish a set of rules and regulations which are fair and equitable for those interested in establishing marihuana facilities; and
3. To provide reasonable regulation pursuant to the city's general police power granted to cities by the Michigan Constitution of 1963 and the Home Rule City Act, MCL Section 117.1 et seq., as amended, and to comply with state law, especially the MRTMA, MMFLA, MMMA, MTA.

Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from civil or criminal prosecution with any federal law or regulation, or from having property seized by federal authorities under federal law.

Sec. 7-2. - Definitions.

All of the words, terms and phrases defined by the MRTMA, as amended, are adopted herein by reference. As used in this chapter, they have the same meaning as provided in the MRTMA. The following words, terms, and phrases when used in this chapter shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning:

- a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "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.
- (d) "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.

(h) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(i) "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.

(j) "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.

(k) "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.

(l) "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.

(m) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(n) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(o) "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.

(p) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.

(q) "MRTMA" means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27051 et seq.

(r) "Marijuana" has the same meaning as "marihuana" under the MRTMA.

Sec. 7-4. Requirements and procedures for marihuana establishments.

A Marihuana Establishment in the City of Ypsilanti must acquire a City permit before operation or doing any business.

Sec. 7-4.1. - Permit requirements

- (a) No person shall own or operate a marihuana establishment in the City without first applying for and receiving a permit from the city clerk's office
- (b) Licenses are transferrable upon state approval and payment of the transfer fee.
- (c) Permit shall be valid for a period of one year, from January 1 to December 31
- (d) A Permit shall be issued or renewed upon payment of the required fee and submission of a completed application in compliance with the provisions of this article, and compliance with all provisions and requirements of this article. Application to renew a permit shall be filed at least 30 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.
- (e) Every applicant shall pay a fee at the time of the application for an initial or renewal permit, or transfer of permit, which fee shall be set by council resolution. Said fee is non-refundable if the application is reviewed.
- (f) The permit requirements set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law.
- (g) The issuance of any permit pursuant to this chapter does not create an exception, defense or immunity to any person in regard to any potential civil or criminal liability under federal law.

Pursuant to the MRTMA, MMFLA, MMMA and MTA, the City of Ypsilanti authorizes the operation in the city of the following types and number of both medical and recreational marijuana facilities, provided they possess a state operating license issued under the MRTMA and they comply with the additional requirements of this chapter, chapter 122 of this Code, and all other applicable laws and ordinances:

Marihuana retailer/provisioning center: maximum 7 permits for Medical and Recreational Marihuana retailers/provisioning centers and 3 additional permits for State of Michigan Social equity applicants
Marihuana safety compliance facility: no maximum
Marihuana secure transporter: no maximum
Marihuana processor: no maximum
Marihuana microbusiness: no maximum
Class A marihuana grower authorizing cultivation of not more than 100 marihuana plants: no maximum
Class B marihuana grower authorizing cultivation of not more than 500 marihuana plants: no maximum
Class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants: no maximum
Excess Marihuana Grower: 1

Designated Consumption Establishment: no maximum

Sec. 7-4.2. - Application.

Every applicant for a marijuana establishment must file an application under oath with the city clerk's office upon a form provided by the city, which shall fulfill all of the requirements indicated on the form, including but not limited to:

- (a) The name, age, and address of applicant and operator
 - i. Name, age and address of the applicant and all partners of the applicant, including proof that the applicant and/or proposed employees are at least 21 years of age.
 - ii. Name, age and address of the operator of the facility in cases where this differs from the applicant.
 - iii. In the case of corporations, partnerships, non-profit organizations, or other business types, the applicant shall be the highest level official or employee of the entity such as, Board President, Chief Executive Officer, Executive Director, or comparable position.
 - iv. If the applicant is a corporation, a copy of the articles of incorporation and Current Corporation records disclosing the identity and residential addresses of all directors, officers, and shareholders. Include the address of the corporation itself, if different from the address of the Marijuana establishment and the name and address of the resident agent for the corporation.
 - v. If the applicant is a partnership, the names and residence address of each of the partners and the partnership itself, if different from the address of the Marijuana dispensary or Marijuana growing/manufacturing facility, and the name and address of the resident agent.
 - vi. Photo identification of the applicant and operator and/or driver's license
- (b) State or Federally issued photo identification
- (c) Provide proof of ownership, copy of lease or letter of intent to lease.

- (d) If premises are leased, attached written permission from owner of the premises for the use specified in this application.
- (e) Proof of insurance for fire damage in the amount of the value of the premises and liability insurance with minimum limits of \$1,000,000
- (f) Proof that all employees are over the age of 21
- (g) Describe storage facilities of all Marihuana on site, including lotions, baked goods, usable, and all other forms.
- (h) Describe storage facilities of all Marihuana on site, including lotions, baked goods, usable, and all other forms (if applicable)
- (i) Provide proof of compliance with statewide monitoring system (if in operation)
- (j) An area map, drawn to scale, indicating within a radius of one thousand feet (1,000) from the boundaries of the proposed dispensary or growing/manufacturing facility site, the proximity of the site to any school, existing dispensary, or existing growing facility zoning permit or similar clearance from the zoning administrator verifying the proposed use of the location at which the license will be utilized is in compliance with the zoning ordinance.
- (k) A copy of state license or prequalification letter
- (l) Retailer/Microbusinesses/Designated Consumption Establishments only: Provide a description of the products and services to be provided by the establishment, including retail sales of food and/or beverages, if any, and any related accommodations or facilities
- (m) Growing/Processing/Safety Compliance Facility applications only: Provide a description of the growing and processing procedures, including volatile chemicals stored or used on the premises.
- (n) Provide copy of facility social equity plan as required by the State of Michigan.
- (o) Provide a document explaining every section in the scoring rubric and how you meet or do not meet the sections in the scoring rubric except the volunteerism plan.

- (p) Volunteerism Plan. The volunteerism section of the rubric must be sealed in a separate envelope. DO NOT INCLUDE VOLUNTEERISM ON SUBMITTED FLASH DRIVE.

Sec. 7-4.3. - Approval of application.

The City Manager or designee shall issue a permit for a marihuana establishment if inspections for safety, zoning compliance, state approval, and all other information available to the City verify that the applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application and is prepared to operate the business with in compliance with this Code and any other applicable law, rule or regulation. The City Manager or designee will deny any application that does not meet the requirements of this chapter or any other applicable law, rule or regulation or that contains any false or incomplete information.

Further, the issuance of permits is not on a first come first serve basis nor lottery. Permits will be issued on a point system to be determined by council with the aid of staff.

Sec. 7-4.4. - Violations and penalties.

Any person who is found to be in violation of this article shall be responsible for a civil infraction and shall be subject to a fine of not more than \$500.

Sec. 7-4.5. - Non-renewal or revocation.

The city manager shall choose to not renew or revoke a permit based on any of the following:

- (1) A failure to meet the conditions or maintain compliance with the standards established by this chapter in reference to applications for a new permit or the renewal of an existing permit;
- (2) One or more violations of any city ordinance on the premises;
- (3) Maintenance of a nuisance on the premises;
- (4) A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or

- (5) Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the city.

Sec. 7-4.6.- Appeal process.

If an applicant or permitted marihuana facility chooses to appeal the denial of a permit or revocation of a permit, they can enter in a written appeal to the clerk's office using a city generated form including the appellant's signature, the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. The applicable fee shall be submitted with the notice of the appeal; such fee shall be nonrefundable. Appeals shall be filed within 30 days of the decision in question. City council shall consider the appeal within 30 days of receipt of the appeal.

Sec. 7-5. Social Equity.

- 1) The City Council and city staff will work to create a permit process to allow state social equity qualifiers to participate in businesses within the city limits. Permit numbers for these applicants are listed in Sec. 8.4.1.
- 2) \$1,000 from each permit fee will be used to promote social equity to negatively impacted communities by promoting advocacy around criminal justice issues related to marihuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marihuana, and community education and outreach on adult-use marihuana in general.
- 3) Good-faith effort in employment: any person or entity receiving more than \$10,000 in contract value or benefit from the city must use good-faith efforts in hiring employees who have been negatively impacted by marihuana prohibition. Adult-use recreational marihuana businesses should use good-faith efforts in hiring 25% employees who are low income or live in the area codes 48197 or 48198.
- 4) The City of Ypsilanti will not drug-test workers who are not in safety-sensitive jobs, without reasonable documented cause; random drug-testing is prohibited.
- 5) Lowest law enforcement: This ordinance instructs and authorizes local law enforcement to de-prioritize marihuana investigations (except as conducted in

conjunction with licensing authorities) and arrests. The possession or smell of marihuana will no longer constitute probable cause for investigation or arrest.

The investigation, citation, and arrest for marihuana law violations in the City of Ypsilanti shall have the lowest law enforcement priority. This does not apply to distribution to minors.

- 6) For the purpose of law enforcement in the City of Ypsilanti, the following shall not constitute reasonable articulable suspicion of a crime in the absence of other factors:
 - a) The odor of burnt or unburnt marihuana
 - b) The possession of or suspicion of possession of marihuana that does not exceed the legal limit in Michigan
 - c) The possession of multiple containers of marihuana without evidence of excess of the legal limit in Michigan.
- 7) The City of Ypsilanti shall make all reasonable efforts to create spaces for on-site consumption as allowed under state law.
- 8) The City of Ypsilanti may add requirements that applicants enter Community Benefits Agreements, which may or may not apply to social equity applicants as well.

Sec. 7-6. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have

been adopted had such invalid or unconstitutional provisions not been included in this Ordinance.

Sec. 7-7 Repeal

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Sec. 7-8. Savings Clause

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Sec. 7-9. Copies to be available.

Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

Sec 7-10. Publication and Effective Date

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2020.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in The Ypsilanti Courier on the _____ day of _____, 2020.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ____ day of _____, 2019.

Andrew Hellenga, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

