



## Legislation Text

---

**File #:** 17-2064, **Version:** 1

---

Resolution Authorizing the City Clerk to sign “Attestation E” for Existing Medical Marijuana Facilities to Continue to Operate Temporarily Without a State License

Whereas, On December 4, 2017, the Michigan Department of Licensing and Regulatory Affairs (LARA) issued rules promulgated to establish emergency rules for the purpose of implementing the Medical Marijuana Facilities Licensing Act (MMFLA), 2016 PA 281, MCL 333.27101 et seq;

Whereas, LARA established Emergency Rule 19 to conditionally allow an applicant for a state operating license (“applicant”) who is operating and has operated the proposed marijuana facility since before December 15, 2017 (“existing facility”), to temporarily continue to operate the existing facility on and after December 15, 2017, even though continued operation would otherwise require a state operating license;

Whereas, Under Emergency Rule 19, if the applicant’s existing facility is within a municipality that has adopted an ordinance pursuant to section 205 of the MMFLA (“authorizing ordinance”) before December 15, 2017, then in order to temporarily continue to operate the existing facility, the applicant will be required to submit an attestation on a form provided by LARA that includes the signature of the clerk of the municipality attesting to both of the following:

- (i) The municipality has adopted an ordinance pursuant to section 205 of the act [the MMFLA], including, if applicable, the disclosure of any limitations on the number or type of marijuana facilities, or both.
- (ii) The municipality authorizes the temporary operation of the applicant.

Whereas, Pursuant to Emergency Rule 19, “Attestation E” in the “Entity/Individual Prequalification Application Packet” is the form provided by LARA under Rule 19 for the clerk of the municipality to sign to allow an existing facility to temporarily continue to operate after December 14, 2017, without a state operating license;

Whereas, There are existing facilities in the City of Ann Arbor, the continued operation of which after December 14, 2017, would be prohibited under the MMFLA and would impede or preclude the applicant’s eligibility for a state operating license for the existing facility;

Whereas, The existing facilities and their types are listed in the attachment to this resolution;

Whereas, Before December 15, 2017, the City of Ann Arbor adopted an authorizing ordinance for all types of medical marijuana facilities allowed under the MMFLA;

Whereas, Under Emergency Rule 19, LARA will allow the existing facilities in Ann Arbor to temporarily continue to operate within the City of Ann Arbor, on the condition that the applicant for a state operating license for the existing facility submit “Attestation E” signed by the Ann Arbor City Clerk; and

Whereas, Emergency Rule 19 provides that a municipality may adopt a resolution that authorizes the clerk of the municipality to sign the attestation;

RESOLVED, That City Council authorizes the Clerk of the City of Ann Arbor to sign “Attestation E” for the existing facilities to continue to operate the type of facility specified in the attached list;

RESOLVED, That this resolution does not guarantee that the City will issue a City permit to an existing facility that obtains a state operating license;

RESOLVED, That existing facilities are required to comply with all other City ordinances applicable to medical marijuana facilities, which includes but is not limited to zoning ordinances;

RESOLVED, That City Council directs that beginning the day following the date of the Council meeting at which a zoning ordinance that applies to medical marijuana facilities (“zoning ordinance”) is approved and until the effective date of the zoning ordinance, the Administrator or designee may accept applications for zoning compliance permits that include all materials necessary to achieve zoning compliance (“zoning compliance permits”) only from the existing facilities;

RESOLVED, That City Council further directs that beginning on the effective date of the zoning ordinance, the City Administrator shall accept applications for zoning compliance permits from any applicant for a City permit to operate a facility; and,

RESOLVED, That City Council further directs that the Administrator or designee process all applications for zoning compliance permits, or other applicable city compliance documents, in the order they are received by the City.

Sponsored by: Mayor Taylor and Councilmembers Smith, Eaton and Ackerman