

Dennis M. Hayes

attorney at law

120 N. Fourth Ave., Ann Arbor, Michigan 48104 (734) 995-4646 fax (734) 995-2910 email: dennismh@earthlink.net

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Planning Commission
City of Ann Arbor

RE: Proposed Zoning Amendment
Regarding Medical Marijuana Facilities

I represent several medical marijuana dispensaries. We support the proposed amendment to the zoning ordinance that would remove the requirement that dispensaries comply with the Michigan Medical Marihuana Act. This language is also in the licensing ordinance, where it belongs. The public interest will be served by removing the requirement from the zoning ordinance and keeping it in the licensing ordinance

The compliance language is surplus baggage in the zoning ordinance, and has managed to confuse everyone. Staff has felt that in order to issue a zoning compliance permit, it had to investigate each dispensary's operations to determine if the dispensaries comply with the state Act. However, it is virtually impossible to figure out in advance of licensing if an ongoing business is complying with a complex state Act whose meaning is hotly disputed. The leading court case in this area, *State vs. McQueen*, is now on appeal to the Michigan Supreme court.

The issuance of a zoning compliance permit should be simple. Instead, including compliance language in the zoning ordinance has entangled the staff in issues that are befuddling the city staff, dispensaries, and lawyers, as well as judges throughout Michigan.

Also, my clients have been distressed at receiving requests for information that the City Council determined should not be in the City's possession when it passed our new ordinances. Thus, the language at issue is unnecessary and inappropriate for everyone.

If it is eliminated, the City can still pursue dispensaries for violating the state Act by using the language in the licensing ordinance that says that a violation of applicable state law is a basis for license suspension or revocation. That language is in Code sections 7:508(4) and (5).

The procedure for license suspensions and revocations is governed by Code sections 7:17 and 7:18. These are uncontroversial provisions governing all business licenses. If the City has cause to believe that a business has violated the law, then the City Administrator can suspend the license. The business then has the right to a hearing

before the City Council. Council can confirm the suspension, revoke, or reinstate the license.

This is the normal process to follow. Because there is the right to a hearing before Council, the interests of both the dispensaries and the public are fully protected.

So the City loses nothing by deleting the language at issue from the zoning ordinance.

Dennis M. Hayes
Attorney at Law