

CITY OF PONTIAC



MEDICAL MARIHUANA FACILITIES ORDINANCE

NO. 2357(B)

APPLICATION FREQUENTLY ASKED QUESTIONS

JANUARY 6, 2020

1. *What is the permit application fee?*

Five Thousand Dollars (\$5,000.00). The fee is non-refundable.

2. *I am applying for multiple permit applications; do I need to pay the permit application fee for each application?*

Yes. The permit application fee for EACH application is \$5,000.00. Applications will not be accepted without a certified check for the full permit application fee payable to the City of Pontiac.

3. *What application format will be accepted?*

No electronic submission will be accepted. Each item on the application must be clearly marked per the application instructions. The applicant must submit one (1) original and four (4) copies of the completed typed application. The City Clerk will not accept partially completed applications.

4. *Where can I locate the City of Pontiac Official Zoning Maps for approved medical marihuana facility locations?*

A zoning map is available on the City Clerk's website (<http://www.pontiaccityclerk.com>) and (<http://www.pontiac.mi.us/departments/clerk/>). You may also contact the City of Pontiac Planning Division at 248-758-2800 to confirm the zoning of a specific property.

Also, the Medical Marihuana Overlay District Maps [Walton Blvd, Cesar Chavez, and C-2 Downtown] are posted on the City Clerk's webpage. Any and all Medical Marihuana Overlay Districts previously released by the City Council's contemplation of the Ordinance are null and void as they do not comport with the Ordinance No. 2363 (recent amendments to the Pontiac zoning ordinance regarding medical marijuana facilities). Ordinance No. 2363 is available on the City Clerk's website (<http://www.pontiaccityclerk.com>) and (<http://www.pontiac.mi.us/departments/clerk/>).

5. *What is the zoning for the Provisioning Centers?*

No more than five (5) Provisioning Centers will be permitted in C-3, M-1, and M-2 zoned properties in the Cesar Chavez Overlay District.

No more than five (5) Provisioning Centers will be permitted in C-2 zoned properties in the Downtown Overlay District.

No more than five (5) Provisioning Centers will be permitted in C-1, C-3, and C-4 zoned properties located outside of the three (3) Medical Marijuana Overlay Districts. Prior to being issued a permit, the applicant will need to obtain a special exemption permit from the City of Pontiac Planning Commission. This is the non-overlay district.

No more than five (5) Provisioning Centers will be permitted in C-3, M-1, and M-2 zoned properties in the Walton Blvd. Overlay District.

6. *If my property is not zoned for medical marijuana and it is located in an overlay district, can I submit a rezoning request with my application?*

No, only applications that have the proper zoning at the time they are submitted will be considered. No exceptions.

7. *When will the City Clerk begin accepting applications?*

The City Clerk's Office is currently accepting applications for growers, processors, secure transporters and safety compliance facilities. The moratorium has ended.

8. *When will the applications for Provisioning Centers be accepted?*

The 21 day application period for provisioning center is January 6-27, 2020.

9. *Will the City Clerk select professional experts to assist in the review process?*

Yes. Ordinance No. 2357(B) Section 9(j) allows the City Clerk to "engage professional expert assistance in performing the clerk's duties and responsibilities" under the ordinance. The City Clerk has used a professional expert to assist with the drafting of the applications and related materials, and the City Clerk will use a professional expert to assist with the assessment, evaluation, scoring and ranking, as applicable, of permit applications.

10. *Where will the funds come from to pay professional experts?*

The non-refundable \$5000.00 application fee. The purpose of the application fee is to help defray administrative costs associated with the application for the medical marijuana facility.

11. *Why has the City Clerk chosen to select a Professional Expert-Financial Advisor as oppose to using the City of Pontiac Finance Department to review applications?*

The Finance Department is experts in municipal finance not business start-ups or medical marijuana. The Clerk needs an expert who is skilled in reviewing short and long-term business goals, financial structure, solvency of investors and verification of minimum capitalization. This is why an outside expert is necessary. In addition, the Clerk cannot supervise the Finance Department it is prohibited by the Charter.

12. Why has the City Clerk chosen to select a Professional Expert-Legal Advisor as oppose to using the City Attorney?

It would be a conflict to use the City Attorney since the City Attorney will be involved in the appeal process. Also, the Clerk cannot supervise the City Attorney it is prohibited by the Charter. In addition, the Clerk is seeking an expert in medical marihuana law not municipal law.

13. Since the Mayor is the Chief Executive Officer (CEO) of the City, does that make the Mayor over the Medical Marihuana Permit Process?

No, ordinance 2357(B) was a voter approved ordinance. The ordinance gives the City Clerk the responsibility to oversee the application process, evaluate applications and award permits.

14. What is the Mayor's Role in the Application Process?

The only role that Ordinance 2357 (B) gives the Mayor is to appoint the members of the Medical Marihuana Commission.

15. Do I have to be prequalified for a State of Michigan medical marihuana facilities license before receiving a City of Pontiac permit?

Yes, no application will be approved for a permit unless the applicant is prequalified (step-one approval) for a State of Michigan medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs. While an applicant may submit its application to the Office of the City Clerk prior to receiving such prequalification, such applicant could not receive a permit unless it receives prequalification.

16. Is there a limit on other types of medical marihuana facility permits (other than Provisioning Centers)?

No. There is no limit on the number of permits issued by the City of Pontiac for growers, processors, secure transporters or safety compliance facilities. (Ordinance 2357(B) Section 10)

17. Can permit holders operate separate medical marihuana facilities at the same physical location?

Yes. Consistent with Medical Marihuana Facilities Licensing Act (MMFLA) and the Final Rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs (LARA), growers, processors and provisioning centers may operate as separate facilities at the same physical location, subject to any applicable requirements in the Pontiac zoning ordinance. (Ordinance No. 2357(B) Section 11).

18. Can a permit applicant stack an application?

Yes. Consistent with MMFLA and the Final Rules promulgated by LARA, applicants for Class C grower permits may receive multiple Class C grower permits and operate each permit in a single facility, subject to any applicable requirements in the Pontiac zoning ordinance. (Ordinance No. 2357(B) Section 11).

19. What is the term of the medical marihuana permit issued by the City of Pontiac?

The City of Pontiac permit is valid for one calendar year, but it is subject to review by the City Clerk and continued compliance with the regulations of the Ordinance No. 2357(B).

20. *When do I need to apply for a permit renewal?*

Permit renewals must be made in writing to the Pontiac City Clerk at least 30 days prior to the expiration of an existing permit.

21. *Is the information I submit in my application subject to the Michigan Freedom of Information Act (FOIA)?*

No, MCL 333.27205 exempts application information from FOIA.

22. *How will Provisioning Center permit applications be scored?*

The City Clerk will assess, evaluate, score and rank each provisioning center permit application based upon a scoring and ranking procedure developed by the City Clerk consistent with the requirements, conditions, and provisions in those categories set forth in Ordinance 2357(B) Section 9(f). Pursuant to Section 9(g), overall scoring and ranking of provisioning center permit applications will be conducted by the City Clerk on the basis of assigned points from zero (0) to one hundred and thirty (130) points. Please see the City of Pontiac Medical Marihuana Provisioning Centers Scoring Criteria Guide for further information.

23. *If my application is denied, can I get my application fee back?*

No. The application fee is non-refundable.

24. *If my application is denied, can I appeal the City Clerk's decision?*

Yes. Pursuant to Ordinance 2357(B) Section 16, any applicant aggrieved by the denial of a permit may appeal to the Pontiac City Clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Pontiac City Clerk. Such appeal shall be taken by filing with the Pontiac City Clerk, **within fourteen (14) days** after notice of the action complained of has been mailed to the applicant's last known address on the records of the Pontiac City Clerk, a written statement setting forth fully the grounds for the appeal. The Pontiac City Clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The Pontiac City Clerk's decision may be further appealed to the medical marihuana commission if applied for in writing to the medical marihuana commission **no later than thirty (30) days** after the Pontiac City Clerk's decision.

IN THE ALTERNATIVE, an applicant may choose to **WAIVE**, in writing, its opportunity to be heard before a hearing officer within fourteen (14) days after notice of the action complained of has been mailed to the applicant's last known address and then submit its appeal **directly** to the medical marihuana commission. To do so, an applicant must submit to the medical marihuana commission through the Pontiac City Clerk's Office, **within thirty (30) days** after notice of the action complained of has been mailed to the applicant's last known address on the records of the Pontiac City Clerk, a writing requesting an appeal directly to the medical marihuana commission.

Any decision by the medical marihuana commission on an appeal shall be final for purposes of judicial review. The medical marihuana commission shall review and decide all appeals that are forwarded to it by the Pontiac City Clerk under the Ordinance, and the medical marihuana commission shall review all appeals de novo. The medical marihuana commission shall only overturn a decision or finding of the Pontiac City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the Pontiac City Clerk in arriving at such decision or finding.

**APPEAL
OPTION 1**

PROCESS FOR APPEAL

**APPEAL
OPTION 2**

Pontiac City Clerk makes decision on application

Applicant submits written appeal to Pontiac City Clerk within 14 days.

Applicant waives, in writing, its right to be heard before a hearing officer within 14 days.

Pontiac City Clerk appoints hearing officer to hear and evaluate appeal.

After waiving its right in writing to be heard before a hearing officer, Applicant submits written appeal to medical marihuana commission through the Pontiac City Clerk's Office within 30 days.

Applicant can present additional clarifying information or evidence that the applicant believes should be considered in assessing its

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Hearing officer conducts hearing on appeal and makes recommendation to Pontiac City Clerk, who makes a decision on the matter.

Applicant may submit further written appeal to medical marihuana commission within 30 days.