

AMENDMENT TO THE MONTCALM TOWNSHIP ZONING ORDINANCE FOR THE REGULATION AND LICENSING OF CERTAIN ASPECTS PURSUANT TO THE MEDICAL MARIHUANA FACILITIES LICENSING ACT UNDER MCLA. 333.27101, et seq.

Sec. 1. Purpose.

The Township finds that it is in the public interest to allow the permitting of state-licensed medical marihuana facilities within its boundaries pursuant to PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, et seq.

Sec. 2. Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the existing Township Ordinances except as otherwise stated herein.

Sec. 3.

Amend Article 7 of the Zoning Ordinance by adding Section 7.25 to read as follows:

Section 7.25 State Licensed Medical Marihuana Facilities

- A. Purpose and Intent. The purpose of this section is to establish standards for siting Medical Marihuana Facilities. It is the Township's intent to permit the siting of Medical Marihuana Facilities within its boundaries, subject to conditions, to:
1. Promote the safe, regulated manufacturing, production, and sale by state-licensed facilities of medical marihuana, and to ensure the safe access to medical marihuana to the Township's patients;
  2. Discourage the sale of unsafe and unlicensed medical marihuana products;
  3. Preserve and protect the health, safety, and welfare of the residents of the Township and the general public by minimizing unsafe and unregulated medical marihuana production and sale;
  4. Establish standards and procedures by which the siting, operating, and maintaining of a Medical Marihuana Facility shall be governed.

B. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Act" means PA 281 of 2016, the Medical Marihuana Facilities Licensing Act.
2. "Applicant" means a person who applies for a license under this article. If an entity applies for a license, the term includes an officer, director, or managerial employee of the entity when appropriate.
3. "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.
4. "Marihuana Facility" means a location at which a license holder is licensed to operate under the Act.
5. "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.
6. "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 package form to a Provisioning Center,
7. "Provisioning Center" means a licensee that is a commercial entity located in this state 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 through the department's marihuana registration process in accordance with the Michigan medical marihuana act, 2008 IL 1 , MCL 333.26421 to 333.26430, is not a Provisioning Center for purposes of the Act or this chapter.
8. "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.

9. "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.
10. "State operating license" means a license that is issued under the Act that allows the licensee to operate as Marihuana Facilities.
11. "Permit" means a permit issued by the Township under this chapter.

All other terms used in this chapter have the same definitions ascribed to them in the Act.

### C. Applicability and Enabling Provision

1. Pursuant to Section 205(1) of the Act, the Township will authorize Permits for the following types of Marihuana Facilities:
  - a. Growers; up to three (3),
  - b. Processors; up to two (2),
  - c. Provisioning Centers; up to two (2),
  - d. Secure Transporters; one (1), and
  - e. Safety Compliance Facilities, one (1).
2. No person or entity that was open or operating any facility purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of this ordinance by the Township Board shall be considered a lawful use or lawful nonconforming use.
3. This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

### D. Permit Requirement Subject to Special Use Approval

1. Any person or entity that wishes to operate as a Marijuana Facility in the Township shall obtain a Special Land Use Permit and a must obtain a State Operating License prior to opening or operating.

2. The application and inspection fee for the Permit required by this section shall be as set from time to time by the Township by resolution.
3. In addition to an annual reapplication and inspection fee, the Township may assess an annual fee of no more than \$5,000.00 to help defray the administrative and enforcement costs associated with the operation of the Marihuana Facilities operating in the Township.
4. No Permit issued under this section shall be transferrable unless first approved by the State Medical Marihuana Licensing Board.
5. All Permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the Township Board by resolution.
6. The Township Board may limit the number of Permits issued under this section, and may revise this limit from time to time.
7. No person or entity that has opened or operated a facility doing business or purporting to do business under this chapter or the Act without first obtaining a Permit shall be eligible for a Permit.
8. A person or entity that receives a Permit under this chapter shall display its Permit and, when issued, its State Medical Marihuana Facility License in plain view clearly visible to Township officials and State Medical Marihuana Licensing Board authorized agents.
9. Any facility that received a Permit under this chapter shall be subject to inspection, with or without notice, at any time, by the Montcalm Township Fire Chief or his/her designee.

#### E. Location Requirements

1. Processors must be located in an agricultural, commercial or industrial zoning district, except that:
2. Provisioning Centers must be located in a commercial zoning district.
  - a. Provisioning Centers that meet the requirements of the State of Michigan for co-location of medical marihuana facilities may be located in an agricultural zoning district.

3. Growers must be located in an agricultural or industrial zoning district.
4. Safety Compliance Facilities must be located in an agricultural, commercial or industrial zoning district.
5. Secure Transporters must be located in an agricultural, commercial or industrial zoning district.
6. The Applicant location shall meet all applicable written and duly promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Medical Marihuana Facilities Licensing Board.
7. The Applicant location shall conform to all standards of the zoning district in which it is located.
8. No person shall reside in or permit any person to reside in or on the premises of a Marihuana Facility.

#### F. Application Procedure

1. All Applicants for Permits required by this section shall file an application with the Clerk. This application shall be signed by the Applicant if an individual, or by all partners if a partnership, by a managing member if a limited liability company, or by the president if a corporation.
2. The Applicant may be requested to provide any information required by the Act and any other information deemed by the Township to be required for the consideration of a Permit.
3. The Permit shall be approved if the Applicant meets all Township requirements unless a due diligence investigation discloses tangible evidence that the conduct of the Applicant's business would pose a substantial threat to the public health, safety, or general welfare.

#### G. Revocation and Review

1. A Permit granted under this section may be revoked for any of the following reasons:
  - (a) Any fraud or misrepresentation contained in the Permit application;

- (b) Any knowing violation of this ordinance;
  - (c) Loss of the Applicant's State Medical Marihuana Facility License;
  - (d) Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a Permit under this section; or
  - (e) Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public.
2. If the Planning Commission denies a site plan, application for Permit, or both, the Applicant shall be entitled to prompt review by the Zoning Board of Appeals as set forth in this Ordinance.