

NORTHFIELD TOWNSHIP PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

The Northfield Township Planning Commission will hold a public hearing at the request of Northfield Township, 8350 Main Street, Whitmore Lake, MI 48189 to propose amending Northfield Townships Zoning Ordinance to accommodate Medical and Recreational Marihuana uses in the Township:

Article II – Definitions, Section 36-29 – Definitions, and
Article III – General Provisions, Section 36-64 – Home Occupation, and
Article VI – AR – Agriculture District, Section 36-157 – Conditional Uses, and
Article XII – WLD – Whitmore Lake District, Section 36-340 – Uses Permitted, and
Article XIII – LC – Local Commercial District, Section 36-364 – Conditional Uses, and
Article XIV – GC – General Commercial District, Section 36-391 – Conditional Uses, and
Article XVIII – LI – Limited Industrial District, Section 36-510 – Conditional Uses, and
Article XIX – GI – General Industrial District, Section 36-533 – Conditional Uses, and
Article XXII – RTM – Research/Technology/Manufacturing District, Section 36-638 – Conditional Uses, and
Article XXIV – Supplementary Regulations and Standards, Section 36-729 – Medical Marihuana Caregivers, and
Article XXIV – Supplementary Regulations and Standards, Section 36-738 – Standards for Marihuana Establishments and Facilities

The public hearing will be held on **Wednesday, March 20, 2019** at 7:00 p.m. on the second floor for the Northfield Township Public Safety Building, 8350 Main Street, Whitmore Lake, MI 48189. The application is on file at the Northfield Township Building/Zoning Department, 8350 Main Street, Whitmore Lake, MI 48189, and may be reviewed Monday through Friday, 8:00 a.m. to 4:30 p.m. Written comments may be submitted to the Building/Zoning Department at the Township Hall (8350 Main St.) before 12:00 p.m. on the day of the meeting.

This notice is in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA 41.7, 2A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at 743-449-2880 seven days in advance.

Kathy Manley – Northfield Township Clerk

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March 13, 2019

Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

MEMORANDUM: Marihuana Permit Regulations

Dear Commission Members,

Per your request, we have prepared the following permitting regulations to accommodate medical and recreational marihuana uses in the Township. These standards are provided for your consideration and comment. Planning Commission is not required to make a recommendation or provide advisory guidance to the Township Board on amendments to the Township Code of Ordinances that are outside of the Zoning Chapter. Planning Commission may choose to make an advisory recommendation to the Board. We recommend these permitting standards for your review and consideration. If Planning Commission forwards these permitting regulations to the Township Board for consideration, it is our recommendation that Planning Commission also request the Township Attorney review prior to being placed on a Township Board Agenda.

Please refer to the supportive memorandums and packet material, and minutes from Planning Commission meetings on December 19, 2018, January 2, 2019, January 16, 2019, February 6, 2019, and February 20, 2019. Text that is struck through shall be deleted and text that is underlined shall be added.

RECOMMENDED REVISIONS TO CODE OF ORDINANCES

That the Code of Ordinances, Northfield Township, Washtenaw County, Michigan (or Northfield Township Code), is hereby amended by adding a Chapter, to be numbered 23, which such Chapter reads as follows.

Chapter 23 - MARIHUANA FACILITIES

Sec 23-1. - Legislative Intent.

The Township intends to issue permits for and regulate marihuana facilities to the extent they are permitted under the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. The Township does not intend that permitting and regulation under this chapter be construed as a finding that such facilities comply with any law. By requiring a permit and compliance with the requirements of this chapter, the Township intends to protect the public health, safety and welfare.

Sec 23-2. - Definitions.

- (1) Words and phrases contained in the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.(State Marihuana Acts). This chapter contains some words and phrases that are defined in the State Marihuana Acts. As used in this chapter, they have the same meaning as provided in the State Marihuana Acts, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the State Marihuana Acts, then the definition the State Marihuana Acts shall apply. These words and phrases are as follows:

- (a) 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.
- (b) Licensee means a person holding a State operating license.
- (c) Marihuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- (d) Marihuana facility means a location at which a license holder is licensed to operate under the State Marihuana Acts.
- (e) Marihuana plant means any plant of the species Cannabis sativa L.
- (f) 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. Marihuana-infused product shall not be considered a food for purposes of the Food Law, 2000 PA 92, MCL 289.1101 to 289.8111.
- (g) 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.
- (h) Person means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- (i) Plant means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.
- (j) 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 packaged form to a retailer or a provisioning center.
- (k) 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 is not a provisioning center for purposes of this Act.
- (l) 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.
- (l) Registered primary caregiver means a primary caregiver who has been issued a current registry identification card under the Marihuana Act, MCL333.26421, et seq.
- (l) Rules means rules promulgated under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, by the Department in consultation with the Board to implement this Act.
- (m) 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.
- (n) 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.
- (o) State operating license or, unless the context requires a different meaning, "license" means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:
 - (i) A grower.
 - a. Medical Class A – 500 marihuana plants.

- b. Medical Class B – 1,000 marihuana plants.
- c. Medical Class C – 1,500 marihuana plants.
- d. Recreational Class A – 100 marihuana plants.
- e. Recreational Class B – 500 marihuana plants
- f. Recreational Class C – 2,000 marihuana plants
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.
- (vi) A microbusiness
- (vii) A retailer
- (viii) A registered primary caregiver

(2) Other words and phrases. The words and phrases in this chapter, as used in this chapter, shall have the following meanings:

(a) Applicant means a person who applies for a Township permit.

(b) Authorized person means:

- (i) An owner of a medical marihuana facility;
- (ii) The directors, officers, members, partners, and individuals of a medical marihuana facility that is a corporation, limited liability company, partnership, or sole proprietorship;
- (iii) Any person who is in charge of and on the premises of the medical marihuana facility during business hours.

(c) Marihuana means "marihuana" as defined in the State Marihuana Acts.

(d) Medical marihuana home occupation means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (A) is performed within a single-family dwelling or within an accessory building to that single-family dwelling; (B) is for the purpose of assisting 1 or more registered qualifying patients with the medical use of marihuana who do not reside in the dwelling and (C) complies with the MMMA. As used in this subsection, "accessory use" has the same meaning as it does in Chapter 36(Zoning) of the Northfield Township Code.

(e) State Marihuana Acts mean the State of Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

(f) Permittee means a person holding a Township permit under this chapter.

(h) Facility means "marihuana facility" as defined in the State Marihuana Acts.

(g) Marihuana facility means "marihuana facility" as defined in the State Marihuana Acts.

(h) Township permit or, unless the context requires a different meaning, permit means a permit that is issued under this chapter that allows the permittee to operate as 1 of the following, specified in the permit:

- (i) A grower.
 - a. Medical Class A – 500 marihuana plants.
 - b. Medical Class B – 1,000 marihuana plants.
 - c. Medical Class C – 1,500 marihuana plants.
 - d. Recreational Class A – 100 marihuana plants.
 - e. Recreational Class B – 500 marihuana plants
 - f. Recreational Class C – 2,000 marihuana plants
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.
- (vi) A microbusiness

- (vii) A retailer
- (viii) A registered primary caregiver

Sec 23-3. - MARIHUANA FACILITIES AUTHORIZED

Pursuant to the State Marihuana Acts, the Township of Northfield Township authorizes the operation in the Township of the following marihuana facilities, provided they possess a state operating license issued under the State Marihuana Acts and they comply with the additional requirements of this chapter 36, (Zoning), and all other applicable laws and ordinances:

- (i) A grower.
 - a. Medical Class A – 500 marihuana plants.
 - b. Medical Class B – 1,000 marihuana plants.
 - c. Medical Class C – 1,500 marihuana plants.
 - d. Recreational Class A – 100 marihuana plants.
 - e. Recreational Class B – 500 marihuana plants.
 - f. Recreational Class C – 2,000 marihuana plants.
- (ii) A processor.
- (iii) A secure transporter.
- (iv) A provisioning center.
- (v) A safety compliance facility.
- (vi) A microbusiness.
- (vii) A retailer.
- (viii) A registered primary caregiver.

Sec 23-4. - TOWNSHIP PERMIT REQUIRED, NUMBER OF PERMITS AVAILABLE

(1) No person shall operate a facility for which an annual permit as provided for in this chapter has not been issued. The maximum number of permits available for each type of facility is as follows:

- (a) Grower Facilities (20-licenses in any of the following categories):
 - i. Medical Class A – 500 marihuana plants.
 - ii. Medical Class B – 1,000 marihuana plants.
 - iii. Medical Class C – 1,500 marihuana plants.
 - iv. Recreational Class A – 100 marihuana plants.
 - v. Recreational Class B – 500 marihuana plants
 - vi. Recreational Class C – 2,000 marihuana plants.
- (b) Processor Facilities (6 licenses).
- (c) Secure Transporters (6 license).
- (d) Safety Compliance Facilities (6 licenses).
- (e) Retail Facilities (6 licenses).
- (f) Provisioning Center Facilities (6 licenses).
- (g) Microbusiness Facilities (6 licenses).

(2) The permit requirement in this chapter applies to all facilities that exist on the effective date of this chapter or are established after the effective date of this chapter. This includes all persons who engage or have engaged in any of the activities that are included in the definitions in the State Marihuana Acts of the types of entities that may obtain a state operating license, without regard to whether they called or call their businesses "dispensaries," "cultivation facilities," "clubs," "cooperatives," or any other similar label. A person who engaged in any of the activities that are included in the definitions in the State Marihuana Acts of the types of entities that may obtain a state operating license before the effective date of the State

Marihuana Acts or before obtaining a state operating license does not have a vested right to obtain a Township permit.

- (3) The permit requirement in this chapter applies to all facilities whether operated for profit or not for profit.
- (4) The permit requirement in this chapter shall be in addition to any other requirements imposed by any other state or local law, including but not limited to state or local laws applicable to commercial entities performing functions similar to the functions performed by marihuana facilities.
- (5) The issuance of any permit pursuant to this chapter does not create an exception, defense or immunity to any person with regard to any potential criminal or civil liability the person may have under any federal or state law or Township ordinance.
- (6) A permit issued under this chapter shall be valid for 1 year after the date of issuance. To renew an existing permit, the permittee shall submit an application in the same manner as is required to apply for a new permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date.
- (7) Medical marihuana home occupations do not require permits.

Sec 23-5. - GENERAL PROVISIONS

- (1) A permit issued under this chapter is valid only for the location of the facility and type of facility that is listed on the permit application and is valid only for the operation of the facility at that location by the permit applicant.
- (2) A permit issued under this chapter is valid only if the permit holder also holds a valid current state operating license and a copy of the valid current license and application for license has been provided to the Township Clerk by the license holder and is in compliance with all other requirements in this chapter.
- (3) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to a permit issued by the Township.
- (4) The expiration date of the state operating license that corresponds to a permit issued under this chapter constitutes the expiration date of the permit, however, operation of the facility under the expired permit is permitted to the extent that operation under the expired state operating license is permitted under the State Marihuana Acts.
- (5) A permit issued by the Township under this chapter, shall be conspicuously posted in the facility where it is easily open to public view.
- (6) Acceptance of a permit from the Township under this chapter constitutes consent by the permittee, owners, managers and employees to permit the Township Manager or designee to conduct inspections of the facility to ensure compliance with this chapter.

Sec 23-6. - Application requirements for and issuance of Township permit.

- (1) *Application for new annual permit.* An application for a new annual permit for a marihuana facility shall be submitted to the Township Clerk on a form provided by the Township, which shall fulfill all of the requirements indicated on the form, including but not limited to:
 - (a) The name and address of the facility and any other contact information requested on the application form.
 - (b) The name and address of all owners of the real property where the facility is located.
 - (c) Name and address of all business managers of the facility.
 - (d) A statement with respect to each person named on the application whether the person has:
 - (i) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 et seq., the federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted;

- (ii) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.
- (e) Proof of applicant's ownership or legal possession of the premises.
- (f) A Township Zoning Compliance Permit.
- (g) A Township Certificate of Occupancy or Temporary Certificate of Occupancy.
- (h) If the application is for a grower's permit, the maximum number of plants that the applicant intends to grow. However, the application form for a grower's permit is the same regardless of whether the grower is applying for a state operating license for a recreational Class A, recreational Class B, or recreational Class C, medical Class A, medical Class B, or medical Class C license and 1 application fee for a grower's license shall apply without regard to the class of state operating license the permit application seeks.
- (i) Payment of a non-refundable application fee of \$5,000.00.
- (2) *Renewal or amendment of existing permits.*
 - (a) The same procedures that apply to applying for a new permit shall apply to the renewal or amendment of existing permits.
 - (b) An application for renewal of an existing permit shall be submitted no sooner than 90 days before the existing permit expires.
 - (c) An amended application shall be submitted under both of the following circumstances:
 - (i) When there is a change in any information the permit applicant was required to provide in the most recent application on file with the Township; and,
 - (ii) When there is a change in any information the permit applicant was required to provide in the most recent application for a state operating license on file with the state of Michigan.
 - (d) An application to amend an existing permit to change the location of the facility shall be submitted no later than 90 days before the existing permit expires. An application to amend an existing permit to change any other information on the most recent application on file with the Township may be submitted at any time.
 - (e) Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.

Sec 23-7. - ISSUANCE OF PERMIT AND AUTHORIZATION TO OPERATE FACILITY UNDER PERMIT.

- (1) If the permit applicant has successfully demonstrated compliance with all requirements for issuance of a permit the Township Manager shall issue a new permit to the permit applicant if a permit is available or grant renewal of an existing permit.
- (2) The issuance of a permit under this chapter authorizes operation of the facility only after the following additional requirements are met:
 - (a) The applicant has provided the Township Clerk with copies of the applicant's application for a State operating license and the issued license, and a non-refundable fee of \$5,000.00
 - (b) The applicant has installed the following security measures on the premises:
 - (i) Security cameras to monitor all areas of the premises where persons may gain or attempt to gain access to marihuana or cash. Recordings from security cameras shall be maintained for a minimum of 72 hours and shall be made available to the Township Police Department personnel upon request.
 - (ii) A monitored alarm system.
 - (iii) A storage room for overnight storage of any marihuana product and cash on the premises. The storage room shall have only 1 door for entry and no other potential means of entry, lawful or

- unlawful, such as a window or crawl space, the door shall be equipped with a secure locking mechanism. Plant materials in grow facilities shall also be secured, as required by State Acts.
- (c) The applicant has provided the Township Clerk with a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of the following types of insurance, as well as a copy of an endorsement placed on each policy requiring 10 days' notice by mail to the Township before the insurer may cancel the policy for any reason:
- (i) Workers' compensation insurance in accordance with Michigan statutory limits and Employers Liability Insurance with a minimum limit of \$100,000.00 each accident for any employee.
 - (ii) Public liability and personal injury insurance with minimum limits of \$500,000.00 for each occurrence as respect to bodily injury liability or property damage liability, or both combined. Documentation must explicitly state the following:
 - (a) the policy number;
 - (b) name of insurance company;
 - (c) name and address of the agent or authorized representative;
 - (d) name and address of the insured;
 - (e) location of coverage;
 - (f) policy expiration dates; and
 - (g) specific coverage amounts. An original certificate of insurance may be provided as an initial indication of the required insurance. Applicant shall be required to continue without interruption during the term of the permit the above named insurance coverages. If any of the above coverages expire by their terms during the term of a permit, the applicant shall deliver proof of renewal and/or new policies to the Township Clerk at least 10 days prior to the expiration date.
- (d) Insurance companies, named insureds and policy forms shall be provided to the Township Clerk as defined in Sec. 23-7 (2)(c). The Township Clerk may request approval of documentation by the Township Attorney. Insurance policies shall not contain endorsements or policy conditions which reduce coverage required under the terms of the permit.

Sec 23-8. - Conduct of business at a facility.

- (1) A facility shall be conducted in compliance with the State Marihuana Acts, the rules promulgated pursuant to the State Marihuana Acts, and all other laws, rules, and regulations of the state of Michigan and the Township of Northfield Township.
- (2) All marihuana in any form kept at the location of the marihuana facility shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.
- (3) Marihuana facilities shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- (4) An authorized person shall consent to the entry into a marihuana facility by the Building Official and/or designees and the Zoning Administrator and/or designees for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises 2 or more days before the date of the inspection or sent by registered mail to the address of the premises 4 or more calendar days before the date of the inspection.
- (5) All security measures required in this chapter shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day.
- (6) All marihuana in any form on the premises of a marihuana facility shall be marihuana cultivated, manufactured, and packaged in the State of Michigan.

Sec 23-9. - Prohibited acts.

It shall be unlawful for any person to:

- (1) Violate any provision of this chapter or any condition of any permit granted pursuant to this chapter.
- (2) Produce, distribute or possess more marihuana than allowed by any applicable state or local law.
- (3) Produce, distribute or possess marihuana in violation of this chapter or any other applicable state or local law.
- (4) Make any changes or allow any changes to be made in the operation of the marihuana facility as represented in the permit application, without first notifying the Township by amending its application.

Sec 23-10. - Permit revocation.

A permit issued under this chapter may be suspended or revoked for any of the following violations:

- (1) Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this chapter;
- (2) A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the Township with any other false or misleading information related to the facility;
- (3) Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;
- (4) Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;
- (5) The facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the Township or any other applicable state or local law, rule or regulation.
- (6) The Township, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety.
- (7) The facility is determined by the Township to have become a public nuisance.
- (8) The facility's state operating license has been suspended or revoked.

Sec 23-11. - Revocation not exclusive penalty.

Nothing in this chapter shall be deemed to prohibit the Township Manager or designee from imposing other penalties authorized by the Northfield Township Code or other ordinance of the Township, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.



February 26, 2019

Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

MEMORANDUM: Marihuana Zoning Regulations

Dear Commission Members,

Per your request, we have prepared the following Zoning Ordinance revisions to accommodate medical and recreational marihuana uses in the Township. These standards are provided for your consideration and comment. If Planning Commission finds these standards to reflect the preferences of recent discussions, a Public Hearing must be scheduled prior to making a recommendation and forwarding the standards to the Township Board for consideration and adoption.

Please refer to the supportive memorandums and packet material from Planning Commission meetings on December 19, 2018, January 2, 2019, and January 16, 2019. This memorandum has been updated per Planning Commission comments provided on February 6, 2019. Text that is struck through shall be deleted and text that is underlined shall be added.

A: RECOMMENDED REVISIONS TO ZONING ORDINANCE:

ARTICLE II. - DEFINITIONS
SEC. 36-29. - DEFINITIONS.

Marihuana Establishments and Facilities: The term Marihuana Facilities, shall encompass all use classes specifically defined and authorized by the State of Michigan Medical Marihuana Act, MCL 333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq, and all other applicable rules promulgated by the state of Michigan as may be amended. Marihuana establishments and facilities include the following use classes:

- (1) **Marihuana grower** means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Growers shall be subdivided into six classes based on State licensing standards.
 - a. Medical Class A – 500 marihuana plants.
 - b. Medical Class B – 1,000 marihuana plants.
 - c. Medical Class C – 1,500 marihuana plants.
 - d. Recreational Class A – 100 marihuana plants.
 - e. Recreational Class B – 500 marihuana plants
 - f. Recreational Class C – 2,000 marihuana plants
- (2) **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.

- (3) **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.
- (4) **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.
- (5) **Marihuana secure transporter** means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (6) **Marihuana safety compliance facility** means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (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 is not a provisioning center for purposes of this act.
- (8) **Registered primary caregiver** means a primary caregiver who has been issued a current registry identification card under the Michigan medical marihuana act

ARTICLE III. - GENERAL PROVISIONS

SEC. 36-64. - HOME OCCUPATION.

- (2) ~~Medical marihuana cultivation, use and distribution~~ **Licensed Caregivers**. In addition to the general standards as specified in subsection (a) of this section, medical marihuana, cultivation, use and distribution shall meet the following specific standards:
 - a. Conformance with section 36-729.
 - b. In recognition of the confidential nature of this use, a ~~medical marihuana cultivation, use and distribution~~ **licensed caregiver** shall ~~make~~ submit a ~~z~~Zoning e~~C~~ompliance a~~A~~pplication pursuant to section 36-729(c) ~~shall be required, rather than a standard to obtain a~~ Zoning e~~C~~ompliance e~~C~~ertificate.

ARTICLE VI. - AR—AGRICULTURE DISTRICT

SEC. 36-157. - CONDITIONAL USES.

- (24) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:
 - a. Growers, all licenses.
 - b. Microbusinesses, subject to the additional standards of Section 36-730.



**ARTICLE XII. - WLD—WHITMORE LAKE DISTRICT
SEC. 36-340. - USES PERMITTED.**

Permitted Uses

Uses which are permitted by right (P); uses subject to conditional use approval (C); not permitted uses (NP); or uses permitted on upper floors only (UP)

	WLD-D	WLD-W	WLD-NV
<u>Retail Marihuana and Provisioning Centers, subject to the standards of Section 36-761</u>	<u>C</u>	<u>C</u>	<u>C</u>

**ARTICLE XIII. - LC—LOCAL COMMERCIAL DISTRICT
SEC. 36-364. - CONDITIONAL USES.**

- 12) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:
 - a. Retail Marihuana and Provisioning Centers

**ARTICLE XIV. - GC—GENERAL COMMERCIAL DISTRICT
SEC. 36-391. - CONDITIONAL USES.**

- 21) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:
 - a. Retail Marihuana and Provisioning Centers
 - b. Secure Transporters
 - c. Safety Compliance Facilities

**ARTICLE XVIII. - LI—LIMITED INDUSTRIAL DISTRICT
SEC. 36-510. - CONDITIONAL USES.**

- 11) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:
 - a. Growers, all licenses permitted.
 - b. Processors
 - c. Secure Transporters
 - d. Safety Compliance Facilities
 - e. Microbusinesses

**ARTICLE XIX. - GI—GENERAL INDUSTRIAL DISTRICT
SEC. 36-533. - CONDITIONAL USES.**

- 11) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including:
 - a. Growers, all licenses permitted.
 - b. Processors
 - c. Secure Transporters
 - d. Safety Compliance Facilities
 - e. Microbusinesses



**ARTICLE XXII. - RTM—RESEARCH/TECHNOLOGY/MANUFACTURING DISTRICT
SEC. 36-638. - CONDITIONAL USES.**

- 2) Marihuana Establishments and Facilities, subject to the standards of Section 36-761, including::
- a. Processors
 - b. Safety Compliance Facilities

ARTICLE XXIV. - SUPPLEMENTARY REGULATIONS AND STANDARDS

SEC. 36-729. - MEDICAL MARIHUANA CULTIVATION, USE AND DISTRIBUTION CAREGIVERS.

(a) **Intent.**

- (1) It is the intent of these regulations to allow medical marihuana ~~cultivation, use and distribution~~ caregivers, ~~as defined by the Michigan Marihuana Act,~~ as a home occupation pursuant to section 36-64, and further to protect the health, safety, and welfare of law enforcement officers and other persons in the community. These regulations are designed to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate around this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the community and its residents to significant adverse conditions and the uninspected installation of unlawful structural, electrical, plumbing and electrical facilities mechanical equipment that create dangerous health, safety, and fire conditions.
- (2) These regulations allow for activity based on the Act. Nothing in these regulations shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. ~~Thus, the authorization of activity, and the approval of this use, shall not have the effect of superseding or nullifying federal law applicable to the cultivation, use, and possession of marihuana, and all applicants are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.~~

- (b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act means Initiated Law 1 of 2008 (MCL 333.26421 et seq.), and Michigan Administrative Rules, R 333.101 et seq.

Department means the ~~s~~State ~~d~~Department of ~~e~~Community ~~h~~Health.

Distribution means the physical transfer of any amount of marihuana in any form by one person to any other persons, whether or not any consideration is paid or received.

Distributor means any person, including, but not limited to, a caregiver, patient or any other person, who engages in any one or more acts of distribution.

Facility or **premises** means one premises having a separate or independent postal address.

Marihuana means the substance or material defined in section 7106 of the public health code, Public Act No. 368 of 1976 (MCL 333.7106).



Primary caregiver or caregiver means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a registry identification card under the Act.

Principal residence means the place where a person resides more than one-half of the calendar year.

Qualifying patient or patient means a person as defined under MCL 333.26423(h) of the Act.

Registry identification card means the document defined under MCL 333.26423(i) of the Act.

(c) **Application requirements.**

- (1) In addition to the requirements for home occupation pursuant to section 36-64 - Home Occupation, a medical marihuana ~~cultivation, use, and distribution~~ caregiver shall submit a zoning compliance certification application must be submitted. The requirement of these regulations is to permit a location, and not to regulate persons. An application as supplied by the township shall describe each of the following and shall:
- a. Not require the name, home address, or date of birth of a ~~patient or caregiver~~.
 - b. Include the address and legal description of the precise premises, ~~other than a patient's principal residence~~, at which there shall be possession, cultivation, distribution or other assistance in the use of marihuana. The fact that a caregiver or other person providing assistance to patients also has an ID card as a patient shall not relieve the obligation to provide this information.
 - c. Specify the address of the place where all unused portions of marihuana plants cultivated in connection with the use of marihuana or caregiver activity at the premises shall be disposed.
 - d. Describe the enclosed, locked facility in which any and all cultivation of marihuana is proposed to occur, or where marihuana is stored, with such description including: location in building; precise measurements, in feet, of the floor dimensions and height; the security device for the facility.
 - e. Describe all locations in the premises where a caregiver or other person authorized under the Act shall render assistance to a qualifying patient.
 - f. Specify the number of patients to be assisted, including the number of patients for whom marihuana is proposed to be cultivated, and the number of patients to be otherwise assisted on the premises, and the maximum number of plants to be grown or cultivated at any one time. If the location at which patients will be assisted is different from the licensed premises, the application shall provide the address of all such other locations (other than the address of a patient being assisted). The maximum number of patients and plants is specified in subsection (c)(2)b of this section.
 - g. For safety and other code inspection purposes, it shall describe and provide detailed specifications of all lights, equipment, and all other electrical, plumbing, and other means proposed to be used to facilitate the cultivation of marihuana plants as such specifications relate to the need for the installation of facilities. As noted in subsection (c)(2)d of this section, all new construction including structural, electrical, ~~and plumbing, and mechanical~~ shall meet current state construction codes and shall be inspected for compliance require necessary permits and inspections.

The standards of approval as noted below will be used to review each application. An inspection will be made at each location noted in the application to verify the standards.

(2) **Requirements and standards for approval.**



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- a. Locations used for the cultivation and/or use of marihuana by caregivers and any other person permitted under the Act are pursuant to section 36-64 – Home Occupation. As a home occupation this use shall not be permitted under the following circumstances:
 1. Within ~~4,000~~ 500 feet from sites where children are regularly present, and specifically a daycare facility, a church, synagogue, mosque, or other religious temple, and from a recreational park and a public community center, a public or private preschool, elementary school, middle school, high school, community college, and all other schools that have different name references but serve students of the same age.
 2. Within ~~4,000~~ 500 feet of an adult use, as defined in this chapter, if applicable (attach appendix if not stated or incorporated).
 3. Within ~~4,000~~ 500 feet from the site at which any other caregiver or any other person cultivates marihuana, or assists in the use of marihuana, not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient at such residence.

Measurements for purposes of this subsection a. shall be made from property boundary to property boundary.

- b. The location of the facility at which a caregiver or any other person permitted under the Act cultivates marihuana, or assists a patient in the use of marihuana, shall not be the same facility at which any other caregiver or person cultivates marihuana or assists a patient in the use of marihuana. Accordingly, at a patient's principal residence used by such patient to cultivate marihuana for his personal use as permitted under the Act, there shall be not more than 12 marihuana plants being cultivated at any one time; only at a licensed facility may there be more than 12 marihuana plants being cultivated at any one time; and, at a facility at which a caregiver or any other person permitted under the Act cultivates marihuana for use by patients, there shall not be more than 12 marihuana plants being cultivated at any one time per patient, and in no event more than 60 marihuana plants being cultivated at any one time (which assumes cultivation for five patients), plus an additional 12 plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marihuana.
- c. In order to insulate children and other vulnerable individuals from such actions, all medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of a building licensed under this section, and such activities shall occur only in locations not visible to the public. This subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.
- d. All lights, plumbing, equipment, and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants shall be in accordance with all applicable state construction codes.
- e. Considering that the distribution of marihuana is generally unlawful, and that the Act authorizes caregivers, and does not authorize any activity such as a dispensary (authorized by statutes in other states), and reading the Act as a whole, the activities of caregivers are interpreted as being limited to private and confidential endeavors. Moreover, the location and identity of a caregiver is known to patients. Accordingly:
 1. Signage shall be in accordance with the township home occupation standards found in section 36-64(1)i.





2. Unless conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a clinic, hospital, dispensary, or other name customary ascribed to a multi-patient professional practice.

(3) **Use of land in accordance with approved application.** If approved, all use of property shall be in accordance with an approved application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.

(d) **Restriction on distribution.**

(1) The restrictions in this section are based on the following findings:

- a. It is reasonable to expect and require that all undertakings of caregivers and other persons in assisting a patient are intended to occur on a confidential and private one-to-one basis.
- b. The Act does not reflect the intent for distributions of marihuana by more than one caregiver or other person to one patient, or by one or more caregivers or other persons to more than one patient at any given time and place.
- c. The confidentiality provisions of the Act reflect the intent for all caregivers and patients to remain anonymous in terms of their name and address, thus further reflecting the private and confidential nature of the activities contemplated between a caregiver and the patient he is assisting.

(2) **Restrictions.**

- a. A caregiver and any other person authorized under the Act to assist patients, if any, shall distribute medical marihuana only on a confidential, one-to-one basis with no other caregiver being present at the same facility at the same time, and no other patient or other person being present at the same facility at the same time; provided that a patient's immediate family members or guardian may be present within the patient's private residence, and one family member or guardian may be present in any facility other than the patient's private residence. For purposes of this subsection, the term "same time" shall mean and include concurrently as well as within a time interval of one hour.
- b. Considering the health issues presented, no food shall be sold from the facility used for the distribution of medical marihuana.

(e) **Inspection of patient cultivation.** Upon the request of a patient who is cultivating medical marihuana, the ~~medical marihuana officer~~ Public Safety Director of the community shall confidentially coordinate ~~electrical and plumbing~~ any inspectors ~~(and other inspectors within whose expertise an inspection is needed)~~ with regard to the siting of such cultivation for the purpose of determining whether ~~all lights-structural, electrical, plumbing, equipment, and all other~~ or mechanical means used to facilitate the cultivation of marihuana plants is in accordance with applicable code. In carrying out the provisions of this subsection, community officials shall not require the name and address of the patient. Rather, the intent of this subsection is to focus on the premises, and to ensure ~~fire, electrical, plumbing, and other~~ safety for the benefit of the resident of the premises and others who may be affected by one or more code violations.

~~(f) **Penalty for violation.**~~

- ~~(1) Civil infraction, with penalty of \$1,000.00 (or the maximum permitted by law if less than \$1,000.00 for each violation).~~
- ~~(2) In the event of two or more violations, increased civil penalty (if permitted by law), and grounds for revocation, following hearing.~~




ARTICLE XXIV. - SUPPLEMENTARY REGULATIONS AND STANDARDS
SEC. 36-761. – STANDARDS FOR MARIHUANA ESTABLISHMENTS AND FACILITIES

1. These standards shall apply to all marihuana establishments and facilities, unless otherwise noted, and excepting caregivers, which are regulated by Sec. 36-729. - Medical marihuana caregivers and Sec. 36-64. - Home Occupation.
2. Marihuana related activities shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, Marihuana facilities Licensing Act, the Marihuana Tracking Act, the Michigan Regulation and Taxation of Marihuana Act and all State of Michigan regulations for the transfer of marihuana, and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
3. All marihuana establishments and facilities shall submit a Zoning Compliance Application, shall obtain structural, electrical, plumbing, and mechanical permits and inspections to meet current state construction codes, and shall obtain a Certificate of Occupancy prior to any operation or occupancy of said establishment or facility.
4. Site plan approval and conditional use approval shall be required for all marihuana establishments and facilities.
5. 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 Medical/Recreational Marihuana Licensing Board and obtain a Certificate of Occupancy.
6. The establishment or facility location shall conform to all standards of the zoning district in which it is located.
7. Establishments and facilities are not permitted within a 500-foot radius of any primary, intermediate or secondary school, measured by the shortest possible line from the property edges.
8. The minimum distance from other marihuana facilities and establishments is 500 feet. This standard shall not apply in the WLD-NV, WLD-DD, and WLD-LF districts. Colocation of use classes on one site is permitted when consistent with State standards and permitted in the zoning district.
9. In the AR district, the minimum lot size for Medical Class B, Recreational Class B, Medical Class C, and Recreational Class C growers shall be 10 acres. In the AR district the minimum lot size for Medical Class A, and Recreational Class A growers shall be 5 acres.
10. Hours of operation permitted for retail, provisioning centers, and microbusinesses: Monday – Saturday: 9:00 a.m. – 9:00 p.m.; Sunday: 10:00 a.m. – 6:00 p.m.
11. All activity related to the marihuana establishment or facility shall be done indoors.
12. All establishments and facilities must ensure that any water emanating from the establishment or facility meets or exceeds all applicable state and local environmental standards.
 - a. No required water supply and sanitary sewerage facilities shall be erected, altered, or moved upon a lot or premises and used in whole or in part for a marihuana facility unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial, and industrial waste. All such installations and facilities shall conform to the minimum requirements Washtenaw County, and any applicable statutes, ordinances, or regulations.
13. Security cameras shall be installed and maintained. All security cameras shall have at least 120 concurrent hours of digitally recorded documentation. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. An alarm system is required that is operated and monitored by a recognized security company. A security plan shall be provided and approved by the Public Safety Director.



14. Exterior lighting shall be required for security purposes, but in accordance with the provisions of the Zoning Ordinance.
15. Marihuana establishments and facilities are not permitted to operate in a manner that results in adverse impacts on adjacent property; including excessive odor, traffic, noise, or loitering. The Township may place reasonable conditions on facilities to ensure operation consistent with community norms. Failure to comply with Township regulations or conditions of approval shall be cause to revoke a local license. Odor for growers and processors shall be regulated as follows:
- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d. Negative air pressure shall be maintained inside the building.
 - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f. An alternative odor control system is permitted if the special use permit applicant submits and the township accepts a report by a mechanical engineer licensed by the state of Michigan demonstrating the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The Township may hire an outside expert, at the cost of the applicant, to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - g. Secure transporters and safety compliance facilities shall also be required to submit plans for odor control for approval if in the opinion the planning commission such plans are required for the protection of the township and its residents.
16. If the marihuana establishment or facility ceases operation for a length of time of ninety days or greater, the conditional use shall expire.
17. Marihuana drive-through retail establishments and provisioning centers shall be prohibited.
18. All marihuana shall be contained within a structure that meets all applicable building code requirements in an enclosed, locked area. A floor plan shall be provided with the site plan application.
19. Application for a local Marihuana Facilities License shall be made to the Township Clerk upon application forms provided by the Clerk for Marihuana Facilities License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules of the State of Michigan. In addition to information and submittals, the application shall include payment of application fee in an amount set by the Township Board. Applications shall be filed according to licensing regulations, procedures, and fees established by the Township Board, and may be amended.
20. A State license is required for all Marihuana Establishments and Facilities.
21. Prior to issuance of a certificate of occupancy for an authorized Marihuana Establishment or Facility shall comply with the following regulations and shall only be operated as long as it remains in compliance with all such ordinances.



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- a. Compliance with State and Township licensing requirements and proof of issuance of a State operating license and compliance with all rules promulgated there under is filed with the Township.
 - b. Compliance with all Township Zoning regulations with written approval of Zoning Compliance issued by the Township Zoning Administrator.
 - c. Compliance with all Township construction and building ordinances and applicable police power ordinances.
22. Inspections may be made by the Township Official's designee to confirm the Marihuana Establishment or Facility is operating in accordance with applicable laws including, but not limited to, State Law and Township Ordinances.
 23. The premises shall be open for inspection upon request by the Zoning Administrator, Code Enforcement Officer, Building Official, Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
 24. The penalties and fees collected by the Township for Marihuana Establishments and Facilities shall be the maximum permissible by the State of Michigan unless otherwise established by the Township Board.

