

**TOWNSHIP OF EGELSTON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____**

THE BOARD OF TRUSTEES OF THE TOWNSHIP OF EGELSTONS HEREBY
ORDAINS:

1. Chapter 22, Article VII of the Code of Ordinances of the Township of Egelston, Michigan, Sections 22-301 through 22-308 are adopted as follows:

Sec. 22-301 Purpose and Intent.

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 the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101, et seq, (the MMFLA).

The purpose of this section is to establish standards for siting Medical Marihuana Facilities. It is the Townships 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) Prohibit 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 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.
- (5) The number of Medical Marihuanna licenses, in each category, to be determined by resolution of the Egelston Township Board of trustees, from time to time.

It is the intent of Township of Egelston Code Sections 22-221 through 22-231 to give effect to the intent of the Michigan Medical Marihuana Act, Initiated Act 1 of 2008, MCL 333.26421, et seq., (the MMMA) as approved by the electors. The purpose of this ordinance is to serve and protect the health, safety and welfare of the general

Sec. 22-302 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. 22-303 Definitions.

Act means PA 281 of 2016, the Medical Marihuana Facilities Licensing Act.

Applicant means a person who applies for a license under this section. If an entity applies for a license, the term includes an officer, director, managerial employee or has a direct or indirect ownership interest in the applicant.

Grower means an MMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, cures or packages marihuana for sale to a Processor or Provisioning Center.

Marihuana Facility means a location at which a license holder is licensed to operate under the MMFLA.

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.

MMFLA means the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101, et seq.

MMMA means the Michigan Medical Marihuana Act, Initiated act 1 of 2008, MCL 333.26421, et seq.

MMMA Caregiver Facility means any building(s) or structure(s) located on non-residential property that is utilized by one or more than one primary caregiver engaged in the medical use of marihuana pursuant to the MMMA.

Permit means a permit issued by the Township under this section.

Primary caregiver or caregiver means a person as defined by the MMMA.

Processor means an MMFLA 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.

Provisioning Center means an MMFLA 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 qualify 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 MMMA is not a Provisioning Center for purposes of the MMFLA or this section.

Qualifying patient or patient means a person defined by the MMMA.

Registry Identification Card means the document as defined by the MMMA.

Safety Compliance Facility means an MMFLA 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.

Secure Transporter means an MMFLA licensee that is a commercial entity located in this state that transports marihuana, with or without storage, between Marihuana Facilities for a fee.

State operating license means a license that is issued under the MMFLA that allows the licensee to operate as a Marihuana Facility.

All other terms used in this Article have the same definitions ascribed to them in the MMFLA or MMMA.

Sec. 22-304 MMFLA Opt-In Provision

Pursuant to Section 205(1) of the MMFLA, the Township will authorize Permits for the following types of Marihuana Facilities: Growers; Processors; Provisioning Centers; Safety Compliance Facilities; and Secure Transporters, by resolution from time to time. The Township will authorize the maximum number of permits for the following types of Marihuana Facilities, by resolution from time to time. The Township also requires each facility to follow the guidelines listed for each facility.

A. Growers:

Class A

Class B

Class C

Growers must be located at least 1000 feet from any school zone and 500 feet from a church or licensed day care.

Any lighting used by the grower for plant growth cannot be seen from the outside of the building.

Any building used by the Grower must follow all local and state fire laws.

All buildings used by the Grower must not be accessible by the public.

B. Processors:

All processors must be located at least 1000 feet from any school zone and 500 feet from a church or licensed day care.

All buildings used by the Processor must not be accessible by the public.

There shall not be any images of marijuana plants or leaves placed on any Processors building or any of its signage.

Any building used by the Processor must follow all local and state fire laws.

C. Provisioning Centers:

Provisioning centers must be located at least 1000 feet from any school zone and 500 feet from a church or licensed day care.

There shall not be any images or marijuana plants or leaves placed on any Provisioning Center building or any of its signage.

There shall be no loitering within 100 feet of the Provisioning Center.

All entrances and exits of a Provisioning Center must be illuminated with at least 100 watt bulb. There shall be no obstructions of any type within 50 feet of the entrance of a provisioning center. This includes but is not limited to any type of plants or shrubbery, signs or the lake.

Provisioning Center operating hours will be between 9 a.m. to 9 p.m.

All Provisioning Centers must follow all state and local fire laws.

D. Secure Transporters:

There shall not be any images of marijuana plants or leaves placed on any transporters buildings or vehicles or any of its signage.

All buildings used for the storage of marijuana by the Transporters must not be accessible by the public.

All buildings used by Secure Transporters must follow all state and local fire laws.

Secure Transporters must be located at least 1000 feet from any school zone and 500 feet from a church or licensed day care.

E. Safety Compliance Facilities:

There shall not be any images of marihuana plants or leaves placed on any Safety Compliance facilities or any of its signage.

All buildings used by the Safety Compliance Facilities must not be accessible by the public.

All buildings used by Safety Compliance Facilities must follow all state and local fire laws. Provisioning Centers must be located at least 1000 feet from any school zone and 500 feet from a church or licensed day care.

Sec. 22-305 Permit Required for MMFLA Activity.

(1) Any person or entity that wishes to operate as a Marihuana Facility in the Township shall obtain a Permit and 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 shall 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 transferable.

(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 by resolution.

(6) The Township may limit the number of Permits issued under this section, and may revise this limit from time to time.

(7) A person or entity that receives a Permit under this section 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.

(8) No person or entity that opened or operated a facility doing business or purporting to do business as a Marihuana Facility prior to the adoption of this ordinance shall be considered a lawful use.

(9) All marihuana business will have a minimum of (1) yearly regulation compliance inspection made by the Egelston Township Fire Chief, or someone he assigns as his representative, and by any person authorized by the Township supervisor. If any marihuana business located in Egelston Township fails to comply with the Egelston Township Marihuana ordinance the Egelston Township appointed inspector will notify the business of the noncompliance and will give the business a time limit to get back into compliance. If the business fails to meet the compliance deadline, the business will be assessed a fee of \$1,000 per day, plus costs, until the business is back into compliance with the Ordinance.

(10) This section does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.

Sec. 22-306 MMFLA Location Requirements.

(1) Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secure Transporters are permitted in those zones and subject to requirements provided for in the Township's Zoning Ordinance.

(2) The Marihuana Facility shall meet all applicable written and duly promulgated standards of the Township and, prior to opening, Applicants shall demonstrate to the Township that the location meets the rules and regulations promulgated by the State Medical Marihuana Facilities Licensing Board.

Sec. 22-307 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 of a corporation.

(2) The Applicant may be requested to provide any information required by the MMFLA and any other information deemed by the Township to be required for the consideration of a Permit.

(3) The Permit may 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.

Sec. 22-308 Permit Revocation and Review.

(1) A Permit granted under this section may be revoked or not renewed for any of the following reasons:

(a) Any fraud or misrepresentations 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.
- (f) The violation of any of the conditions of issuance or continuation of a certificate of registration.
- (g) Fraud, misrepresentation or any false statement made in the operation of the business.
- (h) Failure to pay real and personal property taxes, or timely file documentation or returns required for such taxes.
- (i) Failure to pay any outstanding amounts owed the Township (such as fees for inspections or property services, water or sewer bills, municipal civil infraction fines applicable to the business or its premises, current special assessment, installments, etc.).
- (j) Failure to pay registration fees imposed pursuant to this chapter and resolution of the Township commission.
- (k) Failure or inability of an applicant to meet and satisfy any of the requirements and provisions of this chapter.
- (l) Failure to allow inspection of the business premises or hazardous material storage records at a reasonable time..

This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Township of Egelston, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Commission of the Township of Egelston, at a regular meeting of the Board of Trustees on the ____ day of _____, 2018, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: _____, 2018

Joan J. Raap
Township Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**TOWNSHIP OF EGELSTON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on April 16, 2018, the Board of Trustees of the Township of Egelston adopted amended Chapter 22, Article VII, being Section 22-301 through 22-308 of the Township of Egelston Code, summarized as follows:

1. Section 22-301 is amended to provide that in general, the purpose of Chapter 22, Article VII, Section 22-301 through 22-308 is to establish standards for siting Medical Marihuana Facilities and to provide that in general, it is the intent of the Township of Egelston to give effect to the intent of the Michigan Medical Marihuana Act.
2. Section 22-302 is amended to establish that nothing in Chapter 22, Article VII, Section 22-301 through Section 22-308 shall be construed in such a manner as to conflict with existing Township of Egelston Ordinances, except as otherwise stated herein.
3. Section 22-303 is amended to establish definitions of words used periodically throughout Chapter 22, Article VII, Section 22-301 through 22-308.
4. Section 22-304 is amended to establish that the Township of Egelston is opting in pursuant to Section 205(1) of the MMFLA and will establish, by resolution from time to time, the number of permits available for Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secure Transporters. Section 22-304 also provides guidelines for each listed facility.
5. Section 22-305 is amended to establish the requirements any person or entity must meet prior to operating as a Marihuana Facility in the Township of Egelston.
6. Section 22-306 is amended to provide location requirements for Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secure Transporters. Section 22-306 also provides that any Marihuana Facility must meet all applicable written and duly promulgated standards of the Township of Egelston, prior to opening, and that Applicants must demonstrate to the Township of Egelston that that the proposed location meets the rules and regulations promulgated by the State Medial Marihuana Facilities Licensing Board.
7. Section 22-307 is amended to provide the application procedure for all Applicants seeking a Permit required by Chapter 22, Article VII, Section 22-301 through 22-308.
8. Section 22-308 is amended to provide for the circumstances of which may result in the revocation or non-renewal of a Permit issued pursuant to Chapter 22, Article VII, Section 22-301 through 22-308.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the Township Clerk in the Township Hall, 5428 E. Apple, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: _____, 2018

TOWNSHIP OF EGELSTON

By _____

Joan J. Raap
Township Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE