

**STATE OF MICHIGAN, COUNTY OF MARQUETTE
TOWNSHIP OF RICHMOND
ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT
OF MARIJUANA FACILITIES**

Established: date

Effective: date

Section 1001. Purpose

A. It is the intent of this ordinance to authorize the establishment of certain types of marijuana facilities in Richmond Twp. and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marijuana facility in Richmond Twp. through the imposition of an annual, nonrefundable fee of not more than \$5000 on each marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act (MFLA), MCL 333.27101 et seq and the Michigan Regulation and Taxation of Marijuana Act (MRTMA), Initiated Law 1 of 2018 MCL 333.27951 et seq.

B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Medical Marijuana Act (MMA) Initiated Law 1 of 2008, MCL 333.26421 et seq.; the MFLA, MCL 333.27101 et seq.; the Marijuana Tracking Act (MTA), MCL 333.27901 et seq.; the MRTMA Initiated Law of 2018 MCL 333.27951 et seq.; and all applicable rules promulgated by the state of Michigan.

C. As of the effective date of this ordinance, Marijuana remains classified as a Schedule 1 controlled substance under Federal Controlled Substances Act 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent of manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 1002. Definitions

A. Any term defined by the MMA, MCL 333.26421 et seq., shall have the definition given in the MMA.

B. Any term defined by the MFLA, MCL 333.27101 et seq., shall have the definition given in the MFLA.

C. Any term defined by the MTA, MCL 333.27901 et seq., shall have the definition given in the MTA.

D. Any term defined by the MRTMA, MCL 333.27901 et seq., shall have the definition given in the MRTMA.

E. "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor, provisioning center, or marijuana retailer.

F. "Licensee" means a person that is holding a state operating license issues under the MFLA, MCL 333.27101 et seq., the MTA, MCL 333.27901 et seq., or the MRTMA 333.27901 et seq.

G. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the MMA MCL 333.26421 et seq.; the MFLA, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq.; and the MRTMA, MCL 333.27901 et seq.

H. "Marijuana facility or establishment" means an enterprise at a specific location at which a licensee is licensed to operate under the MFLA, MCL 333.27101 et seq., or the MRTMA, MCL 333.27901 et seq. including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana establishment, marijuana secure transporter, marijuana safety compliance facility, or any other type of marijuana-related business licensed by the State of Michigan. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the MMA, MCL 333.26421 et seq.

I. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

J. "Processor" means a licensee that is a commercial entity located in Michigan that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center or marijuana retailer.

K. "Provisioning Center" means a licensee that is a commercial entity located in Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or indirectly through the patient's registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the MMA, MCL 333.26421 et seq., is **not** a provisioning center for purposes of this article.

L. "Marijuana retailer" means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

M. "Safety compliance facility" means a licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

N. "Secure Transporter" means a licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee.

O. "Marijuana Microbusiness" means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age and older or to a marijuana safety compliance facility, but not to other marijuana establishments.

P. "Marijuana event organizer" means a person licensed to apply for a temporary marijuana event license under these rules.

Q. "Temporary marijuana event license" means a state license held by a marijuana event organizer for an event where the onsite sale and/or consumption of marijuana products are authorized at the location indicated on the state license during the dates indicated on the state license.

R. "Designated consumption establishment" means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license.

Section 1003. Authorization of Facilities and Fee

A. The maximum number of each type of marijuana facility allowed in specified zones in Richmond Twp. Zones include Commercial ©, Residential ® , Rural Residential (RR), and Forest Recreational (FR).

<u>Facility</u>	<u>Total Number</u>	<u>Zone</u>
Grower	3	RR, FR
Processor	1	RR, FR
Secure transporter	2	ALL
Provisioning center/Marijuana retailer	1	RR, FR
Safety compliance facility	2	RR, FR
Marijuana micro business	1	RR, FR
Marijuana event organizer	0	
Temporary marijuana event	0	
Designated consumption establishment	0	

B. Medical Marijuana Grower Classifications:

- Class A - not more than 500 plants
- Class B - not more than 1000 plants
- Class C – not more than 1500 plants

C. Recreational Marijuana Grower Classifications:

- Class A – not more than 100 plants
- Class B – not more than 500 plants
- Class C – not more than 2000 plants

D. At least every 1 year after adoption of this ordinance, The Twp. Board shall review the maximum number of each type of marijuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Twp. Board.

E. A non-refundable fee shall be paid by each marijuana facility licensed under this ordinance in an annual amount of not more than \$5000 as set by resolution of the Richmond Twp. Board.

Section 1004. Requirements and Procedure for Issuing License

A. No person shall operate a marijuana facility in Richmond Twp. without a valid marijuana facility license issued by Richmond Twp. pursuant to the provisions of this ordinance.

B. Every applicant for a license to operate a marijuana facility shall file an application in the Zoning Administrator's Office upon a form provided by Richmond Twp. The application shall contain the following information:

- * Type of application and type of license
- * Applicant name, business name, phone number, email address, physical address, mailing address
- * Owner and manager information, including government issued photo I.D.
- * Property information, including legal description, ownership, zoning compliance
- * If property is leased, include a notarized letter from owner authorizing use for intended facility.
- * Water and waste information, including estimated amounts, measures for hygiene, rubbish, hazardous waste, pest, mold, and odor control

- * Growing/processing byproducts plan
- * Business operations, including hours of operation, record keeping, logs and data bases.
- * Security information, including surveillance cameras, alarms, and secure storage
- * Any other information Richmond Twp. reasonably requests that is relevant to the processing or consideration of the application.
- * Applicants have a duty to supplement submitted applications if there are any changes in the relevant state law, any changes that would make the proposed township permit holder ineligible for a state license under the MMFLA and /or the MRTMA.
- * Required fee

C. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the Zoning Administrator shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Zoning Administrator shall act to approve or deny an application not later than ten (10) business days from the date the application was accepted. If approved, the Zoning Administrator shall issue the applicant a **provisional license** and act to schedule a Public Hearing of the Richmond Township Board and Planning Commission to review the Conditional Use Permit and all associated documents.

D. If the application is denied, the Zoning Administrator shall issue a written notice to the applicant. All communications will be sent by first class mail to the address for the applicant provided on the application.

E. Upon receipt of a completed marijuana establishment application meeting the requirements of this ordinance and confirmation that the issuance of the proposed license complies with zoning stipulations and would not exceed the maximum number permitted in Section 1003 of this ordinance, the Zoning Administrator shall refer a copy of the application to each of the following for their review and approval: the police chief or designee, the fire chief or designee, and the township treasurer.

F. A license will not be granted until the application materials have been reviewed and approved by the Fire Department, which will inspect the plans of the proposed location for compliance with all laws for which they are charged with enforcement, and the fire chief or designee has conducted all inspections deemed necessary.

G. A license will not be granted until the applicant and each person holding an ownership interest in the applicant, have passed a criminal background check conducted by the Marquette County Sheriff's office.

H. A license will not be granted until the Richmond Township Treasurer verifies that the applicant does not owe to the township any taxes or other default.

I. A provisional license means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of Richmond Twp. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.

J. Within ten (10) business days from the applicant submitting proof of obtaining all other required permits, approvals noted above, and payment of the license fee, the Zoning Administrator shall approve or deny the marijuana facility license. The Zoning Administrator shall issue marijuana facility licenses in order of the sequential number previously assigned.

K. Maintaining a valid marijuana facility license issued by the State of Michigan is a condition for the

issuance and maintenance of a marijuana facility license under this ordinance and continued operation of any marijuana facility. The applicant is responsible for providing a copy of the valid license to Richmond Twp. within ten (10) business days of receipt of such license.

L. License holders shall report any other change in the information required by this ordinance to the Zoning Administrator within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

M. A marijuana facility license issued under this ordinance is not transferable.

Section 1005. License Denial; Appeal

A. Should the Zoning Administrator deny an application, the applicant shall have ten (10) business days from the mailing of the denial to appeal the denial to the Township Supervisor by filing a notice of appeal with the Township Clerk's office. The Township Supervisor may require additional information or act upon the appeal based upon the information supplied to the Zoning Administrator. Should the Township Supervisor reverse the decision of the Zoning Administrator, The Township Clerk shall issue a provisional license. Should the Township Supervisor affirm the Zoning Administrator's decision, the Township Supervisor shall issue a written notice affirming the decision. All communications will be sent by first class mail to the address for the applicant provided on the application.

B. The applicant shall have ten (10) business days from the mailing of a decision by the Township Supervisor affirming the decision of the Zoning Administrator to appeal to the Township Board. To appeal the decision of the Township Supervisor, the applicant must file a notice of appeal with the Township Clerk. The Township Board shall hear the appeal at its next regular meeting, but not sooner than five (5) business days from the receipt of the appeal notice.

Section 1006. License Renewal

A. A marijuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.

B. A valid marijuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by Richmond Twp. and payment of the annual license fee. Application to renew a marijuana facility license shall be filed at least thirty (30) calendar days prior to the date of expiration.

Section 1007. Minimal Operations Standards for Marijuana Establishments

A. The following minimum standards shall apply for Marijuana Retailers/Provisioning Centers:

1. No retail establishment shall be open to the public between the hours of 8 pm. and 8 am.
2. Consumption of marijuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each retail establishment indicating that consumption is prohibited on the premises.
3. The public or common areas of the retail center must be separated from restricted

or non-public areas of the establishment.

4. A drive-thru window on the premises of a retail establishment shall not be permitted.

5. A retail establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

6. No retail establishment shall be operated in a manner creating dust, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the retail center is located.

7. No marijuana retailer or establishment may refuse representatives of the State, County or local law enforcement including the Ordinance Compliance Officer the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marijuana establishment.

8. The license required by this ordinance shall be prominently displayed on the premises of the establishment.

9. A retail establishment shall at all times maintain a security system that meets State Law requirements, and shall also include the following:

- a. security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the premises;
- b. robbery and burglary alarm systems which are professionally monitored and operated 24 hours per day, 7 days per week;
- c. a locking safe permanently affixed to the premises that shall store all marijuana and cash remaining in the facility overnight.
- d. all marijuana, in whatever form stored on the premises, shall be stored in a secure manner and shall not be visible from outside the premises.
- e. all security recordings and documentation shall be preserved for at least 30 days by the license holder and be made available to any law enforcement agency upon request for inspection.
- f. a security guard at the entrance to check for appropriate I.D.

B. The following minimum standards shall apply for Marijuana Grower Facilities:

1. Any grower facility shall maintain a log book and/or database indicating the number of marijuana plants therein. Each marijuana plant shall be tagged in compliance with the MFLA, MTA, and the MRTMA.

2. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the grower, growing, or harvesting of marijuana is located.

3. The dispensing of marijuana at the grower facility shall be prohibited.

4. All persons working in direct contact with marijuana shall conform to hygienic practices while on duty, including but not limited to the following:

- a. maintaining adequate personal cleanliness,

- b. washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated, and
- c. refraining from having direct contact with marijuana if the person has or may have an illness, open lesions, including boils, sores, or infected wounds, or any other source of microbial contamination, until the condition is corrected.

5. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding places for pests.

6. Marijuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

7. All activities of the grower facility including growth, cultivation, and all other related activity permitted under its license must occur indoors.

8. The license required by this ordinance shall be prominently displayed on the premises of the establishment.

C. The following minimum standards for a Marijuana Safety Compliance Facility shall apply:

1. Consumption and/or use of marijuana shall be prohibited at the facility.
2. All persons working in direct contact with marijuana shall conform to hygienic practices while on duty, including but not limited to the following:
 - a. maintaining adequate personal cleanliness,
 - b. washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated, and
 - c. refraining from having direct contact with marijuana if the person has or may have an illness, open lesions, including boils, sores, or infected wounds, or any other source of microbial contamination, until the condition is corrected.
3. The license required by this ordinance shall be prominently displayed on the premises of the establishment.

D. The following minimum standards for Processor Facility shall apply:

1. Consumption and/or use of marijuana shall be prohibited at the facility.
2. All activity related to the processor facility shall be done indoors.
3. The dispensing of marijuana at the facility shall be prohibited.
4. All persons working in direct contact with marijuana shall conform to hygienic practices while on duty, including but not limited to the following:
 - a. maintaining adequate personal cleanliness,
 - b. washing hands thoroughly in adequate hand-washing areas before starting

work and at any other time when the hands may have become soiled or contaminated, and

c. refraining from having direct contact with marijuana if the person has or may have an illness, open lesions, including boils, sores, or infected wounds, or any other source of microbial contamination, until the condition is corrected.

5. A processor facility shall produce no products other than usable marijuana intended for human consumption.

6. The license required by this ordinance shall be prominently displayed on the premises of the establishment.

E. The following minimum standards for Secure Transporters shall apply:

1. Consumption and/or use of marijuana shall be prohibited at the facility.

2. Storage of marijuana by a secure transporter shall comply with the following:

- a. The storage facility shall not be open or accessible to the general public,
- b. the storage facility shall be maintained and operated so as to comply with all state and local rules, regulations, and ordinances.

F. The following minimum standards for Marijuana Microbusiness shall apply:

1. No microbusiness establishment shall be open to the public between the hours of 8 pm and 8 am.

2. Consumption shall be prohibited in the establishment, and a sign shall be posted on the premises indicating that consumption is prohibited.

3. The public or common areas of the microbusiness must be separated from restricted or non-public areas of the establishment.

4. A drive-thru window on the premises of the microbusiness shall not be permitted.

5. A microbusiness shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

6. All persons working in direct contact with marijuana shall conform to hygienic practices while on duty, including but not limited to the following:

- a. maintaining adequate personal cleanliness,
- b. washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated, and
- c. refraining from having direct contact with marijuana if the person has or may have an illness, open lesions, including boils, sores, or infected wounds, or any other source of microbial contamination, until the condition is corrected.

7. No microbusiness shall be operated in a manner creating dust, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the establishment is operated.

8. No marijuana microbusiness may refuse representatives of the State, County, or local law enforcement officers the right during the hours of operation to inspect the licensed premises or to audit the books and records of the establishment.

9. The license required by this ordinance shall be prominently displayed on the premises of the establishment.

10. A microbusiness is subject to all applicable provisions in the MFLA and rules related to marijuana growers, retailers, and processors.

Section 1008. Applicability

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marijuana facility that was established without authorization before the effective date of this ordinance. There will be no grandfathering.

Section 1009. Penalties and Enforcement

A. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$1000, plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, Richmond Twp. may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

C. A license issued under this ordinance may be revoked on any of the following basis:

1. Any violation of this ordinance;

2. Any conviction of delivery of a controlled substance to a minor;

3. Any finding of fraud, misrepresentation or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this ordinance requires a license or in connection with the application for a license or request to renew a license;

4. The license holder or any of its stakeholders is in default to Richmond Township personally or in connection with any business in which they hold ownership interest, for failure to pay property taxes, special assessments, fines, or fees;

5. The marijuana establishment is determined by Richmond Township to have become a public nuisance; or

6. The Michigan Department of Licensing and Regulatory Affairs has denied, revoked, or suspended the applicant's state operating license.

D. This Ordinance shall be enforced and administered by the Zoning Administrator, Ordinance Enforcement Officer, or such other township official as may be designated from time to time by resolution of the Township Board.

E. Acceptance of a license by a licensee constitutes consent by the licensee and its owners, officers, managers, agents, and employees for any state, federal, or local fire, emergency, or law enforcement personnel to conduct random and unannounced examinations of the facility and all articles of property in that facility at any time to ensure compliance with this Ordinance, any other local regulations, and with the license.

Section 1010. Right to Amend

The Richmond Township Board reserves the right to amend or repeal this ordinance in any manner, including prohibiting or limiting the type or number marijuana establishments and state license types authorized to operate in the Township.

Section 1011. Severability

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 1012. Effective Date

This Ordinance shall take effect in accordance with law.