

TOWNSHIP OF WISE
ISABELLA COUNTY, MICHIGAN
Adult Use Marihuana Establishments
RECREATIONAL MARIHUANA FACILITIES
ORDINANCE -2020-02-02.1

PURPOSE

The purpose of this Ordinance is to provide provisions for the Michigan Regulation and Taxation of Marihuana Act of 2018 (MRTMA) for establishing local zoning authority for the permitting of adult use marihuana establishments and facilities.

- (a) A process for Wise Township to legally facilitate the development of adult use marihuana establishments, which are otherwise illegal under federal law.
- (b) A procedure for growing, processing, testing, transporting, and selling adult use marihuana as permitted under the MRTMA.
- (c) Zoning authority for the protection and preservation of public safety, welfare, and property value; and ensuring consistency with the future land use map of the Master Plan.
- (d) A licensing and taxing authority to Wise Township to defray costs to additional public safety, administrative, and enforcement with the result of facilitating development of adult use marihuana establishments.
- (e) Additional economic industry and benefit to the community.

AUTHORITY

With the adoption of the Michigan Regulations and Taxation of Marihuana Act of 2018, the Township of Wise has legislative authority to establish zoning regulations, application processes and associated fees, and enforcement abilities for marihuana development without penalty consistent with the state laws.

LICENSE AND PERMIT REQUIRED; APPLICATION; FEE.

- (a) Licenses Required. No person or entity shall operate an adult use marihuana establishment without receiving the following:
 - (1) An approved operating license from the State;
 - (2) An approved permit from Wise Township.
- (b) Permit Type. No person shall operate an adult use marihuana establishment without receiving the follow permits where required;
 - (1) Approved building permit and or occupancy. All marihuana establishments and facilities shall require an approved Building permit showing compliance with applicable zoning and building codes. A Certificate of Occupancy shall be issued once all applicable inspections show satisfactory compliance with zoning and building codes.
 - (2) Pursuant to Special Land Use requirements. Certain marihuana establishments and facilities may require gaining an approved Site Plan Application pursuant to Special Land use.

LOCATION STANDARDS.

- (a) Pursuant to the 2018 MRTMA, all types of state licensed marihuana establishments and facilities are allowed in zoning districts established in this ordinance and within specific zoning districts provided in the zoning ordinance.
- (b) An official Updated “Marihuana Maps” of Wise Township will be maintained by the Township Board and Planning Commission
- (c) Only one State Licensed Provisioning Center, Microbusiness or Retailer shall be allowed on a property within the area defined by property lines, except for co-locations at same locations by same licensee holder.

FINDINGS AND PURPOSE.

The Township of Wise intends to issue permits for certain adult use recreational

FINDINGS AND PURPOSE.

The Township of Wise intends to issue permits for certain adult use recreational marihuana establishment, and to regulate the same, to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act. By requiring a Township Adult Use Marihuana Establishments (AUME) Permit and compliance with the requirements of this chapter, the Township intends to protect health, safety and welfare by:

- (a) Promoting the safe, regulated manufacturing, production, and sale by state-licensed establishments of adult use recreational marihuana to adults age twenty-one and over (21+), and to ensure the safe access to recreational marihuana to residents of approved age.
- (b) Discouraging the sale of unsafe and unlicensed adult use recreational marihuana products;
- (c) Specifically prohibiting the granting of special licenses within the Township;
- (d) Preserving and protecting the health, safety and welfare of the residents of the Township and general public by minimizing unsafe and unregulated adult use recreational marihuana production and sale and
- (e) Establishing standards and procedures by which the siting, operating, and maintaining of an adult recreational marihuana establishments shall be governed.
- (f) All establishment for recreational marihuana shall meet and follow all State Rules and Guidelines for said establishments.

DEFINITIONS.

- (a) Words and phrases contained in the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”). This Ordinance contains many words and phrases that are defined in the MRTMA. As used in this section, they have the same meaning as provided in the MTRMA, except that if at any time the definition of a word or phrase set forth in this Ordinance conflicts with the definition in the MRTMA, then the definition in the MRTMA shall apply. The following words and phrases are, and means as follows:

- (1) “Department” means the department of licensing and regulatory affairs.
- (2) “Licensee” means a person holding a state license.
- (3) “Marihuana” means all parts of the plant of the genus cannabis, growing or not; the seed of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this section, marihuana does not include:
 - A. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, and any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - B. Industrial hemp; or
 - C. Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- (4) “Marihuana, Adult Use Establishments” or “Marihuana Establishments” mean a marihuana grower, marihuana safety compliance marihuana establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the marihuana regulatory agency as authorized by the Michigan Regulation and Taxation of Marihuana Act (2018).
 - A. “Marihuana Grower: means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
 - B. “Outdoor Growers”: means marihuana grown outdoors without the aid of artificial lighting and heat.
 - C. “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 twenty-one (21) years of age or older or to a marihuana safety compliance marihuana establishment, but not to other marihuana establishments.
 - D. “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.
 - E. “Marihuana Retailer” means a person licensed to obtain marihuana from

marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

E. “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 twenty-one (21) years of age or older.

F. “Marihuana Secure Transporter” means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

G. “Marihuana Safety Compliance Marihuana Establishment” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(5) “Marihuana-infused products” means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(6) “Marihuana Regulatory Agency” or “Agency” means a Type I agency within the Department of Licensing and Regulatory Affairs (the “Department”) with the powers as set out in MCL 333.27001, including but not limited to, all of the authorities, powers, duties, functions. And responsibilities of the Department, including its Bureau of Marihuana Regulation, under the MRTMA, 2018 IL 1, MCL 333.27951 to 333.27967.

(7) “Person” means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

(8) “Plant” means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

(9) “Rules” means rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCLA 24.201 to 24.328, by the department in consultation with the Agency to implement this act, which shall include, but is not limited to, the Emergency Rules issued under the administrative procedures act on July 3, 2019

(10) “Special Licenses” means additional types of classes of state licenses to operate marihuana-related business as described under Section 8 of the Act, including but not limited to:

- A. Designated consumption establishment licenses;
- B. Excess marihuana grower licenses;
- C. Marihuana event organizer license; and
- D. Temporary marihuana event licenses.

(11) “State license” or, unless the context requires a different meaning, “license” means a license that is issued by the department under this act that allows the licensee to operate a marihuana establishment.

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

(1) “Applicant” means a person who applies for a township permit and state license.

(2) “AUME Permit” or, unless the context requires a different meaning, “permit” means marihuana adult use establishment permit that is issued under this section that allows the permittee to operate one of the following, specified in the AUME permit:

- A. A marihuana grower
- B. A marihuana processor.
- C. A marihuana secure transporter.
- D. A marihuana retailer.
- E. A marihuana safety compliance marihuana establishment.
- F. A marihuana microbusiness.
- G. Special-designated consumption establishment

(3) “Class A grower” means a grower of not more than 100 marihuana plants.

(4) “Class B grower” means a grower of not more than 500 marihuana plants.

(5) “Class C grower” means a grower of not more than 2000 marihuana plants.

(6) “Licensee” means a person holding a Township AUME permit under this section.

(7) “Michigan Regulation and Taxation of Marihuana Act” and “MRTMA” means Imitated Act 1 of 2018, MCL 333.27951. et.seq.

(6) License means a person holding a Township AUME permit under this section.
(7) "Michigan Regulation and Taxation of Marihuana Act" and "MRTMA" means Imitated Act 1 of 2018, MCL 333.27951. et.seq.

MARIHUANA ESTABLISHMENTS AUTHORIZED; SPECIAL LICENSES PROHIBITED.

- (a) Marihuana Establishment Permitted. Pursuant to the MRTMA., the Township of Wise, Isabella County authorizes the operation in the Township of the following marihuana adult use establishments, provided they possess a state operating license issued under the MRTMA and they comply with the additional requirements of this section, and all other applicable laws, administrative rules, and ordinances:
- | | |
|--|------------|
| (1) Marihuana grower, including Class A grower | 2 allowed, |
| Marihuana grower Class B | 4 allowed |
| Marihuana grower, Class C | 9 allowed |
| (2) Marihuana processor | 4 allowed |
| (3) Marihuana secure transporter | 1 allowed |
| (4) Marihuana retailer, | 5 allowed |
| (5) Marihuana safety compliance
marihuana establishment | 1 allowed |
| (6) Marihuana microbusiness | 3 allowed |
| (7) Designated consumption
establishment | 3 allowed |
| (8) Outdoor Growers | 3 allowed |
- (b) Special Licenses Prohibited. Pursuant to the MRTMA, Section 6(1). The Township elects to prohibit the licensing and operation of special licenses within its boundaries to the extent it is permitted to prohibit them under this act, which shall specifically prohibit:
- (1). Excess marihuana grower license.
 - (2) Marihuana event organizer license.
 - (3) Temporary marihuana event license.

Township of Wise AUME Permit required.

- (a) No person shall operate a marihuana establishment for which an annual AUME permit as provided for in this section has not been issued.
- (b) This Ordinance does not apply to, or regulate, any protected patient or caregiver conduct pursuant to the Michigan Medical Marihuana Act of 2008.
- (c) The AUME permit requirement in this Ordinance shall be in addition to any other requirements imposed by any other state law, including but not limited to state and local laws applicable to commercial entities performing functions similar to the functions performed by marihuana establishments.
- (d) Term of the AUME permit shall not exceed one year. All permits issued pursuant to this Ordinance must be renewed on an annual basis. To renew an existing permit the licensee shall submit an application in the same manner as is required to apply for a new permit no sooner than ninety days before the expiration date and no later than thirty days before the expiration date.

GENERAL PROVISIONS.

- (a) An AUME permit issued under this Ordinance is valid only for the Location of the marihuana establishment and type of marihuana establishment that is listed on the AUME permit application, providing the marihuana establishment remains in compliance with all other requirements in this Ordinance.
- (b) An AUME permit issued under this Ordinance is valid only if the permit holder also holds a valid current state operating license, and a copy of the current state license has been provided to the Township Clerk by the AUME permit holder.
- (c) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to the AUME permit issued by the Township.
- (d) The expiration date of the state operating license that corresponds to an AUME permit issued under this Ordinance constitutes the expiration date of the license, however, operation of the marihuana establishment under the expired license is permitted to the extent that operation under the expired state operating license is permitted under the

issued under this Ordinance constitutes the expiration date of the license, however, operation of the marihuana establishment under the expired license is permitted to the extent that operation under the expired state operating license is permitted under the MRTMA.

- (e) An AUME permit issued by the Township under this Ordinance and the State MRTMA establishment license shall be conspicuously posted in the Marihuana establishment where it is easily visible to the public, Township Officials, Police Departments and the Fire Department.
- (f) Acceptance of an AUME permit from the Township under this Ordinance constitutes consent by the permittee, owners, managers, and employees to permit the Township administrator or designee to conduct inspections of the establishment to ensure compliance with this Ordinance.

APPLICATION REQUIREMENTS FOR AND ISSUANCE OF A NEW TOWNSHIP AUME PERMIT.

- (a) Application for New Annual AUME Permit. An application for a new annual AUME permit for a marihuana establishment shall be submitted by the applicant or their state licensed attorney, to the Township Clerk on a form provided by the Township, which shall fulfill all of the requirements indicated on the form. An applicant shall truthfully and fully provide all of the information requested on the application, including but limited to, the following:
 - (1) The name and address of the proposed marihuana establishment and any other contact information requested on the form.
 - (2) The applicant's full name, business address, e-mail address and phone numbers and presentation of a valid, government-issued photo identification.
 - (3) The name and address of all owners of the real property where the proposed establishment is located.
 - (4) Payment of the non-refundable application fee.
 - (5) The application fee shall apply to each permit that is requested; in the case of grower it applies without regards to the class of grow.
 - (6) Upon filing of the application for an AUME permit, the Township Clerk shall review and evaluate the application, along with the Township Board. In determining whether an AUME permit is complete and should be issued.

ISSUANCE OF AUME PERMIT AND AUTHORIZATION TO OPERATE MARIHUANA ESTABLISHMENT UNDER PERMIT.

All Marihuana establishments shall be located south of the U S 10 Freeway, except for N Loomis Rd. and N Leaton Rd. On those roads establishments maybe located north of the Freeway as these are blacktop roads. Establishments allowed as follows, along N Loomis Rd. in Sections 3, 4, 9,10,15, 16,21, 22,27, 28, 33, 34. Along Pere Marquette Rd., in Sections, 5, 6, 9, 10,13, 14, along N Leaton Rd., in Sections,5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 , and along E Coleman Rd., in Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, may be in other locations south of U.S. 10 upon approval by the Wise Township Board.

- (a) If the AUME permit applicant has successfully demonstrated compliance with all requirements and the location conforming to all standards of the zoning district in which it is located, then the Township shall issue an AUME permit to the applicant, or grant a renewal of an existing permit.
- (b) An issued AUME permit is active beginning the date of the issued permit and expires the following year.
- (c) The issuance of an AUME permit under this ordinance authorizes operation of the establishment only after the township has been provided with a copy of the applicant's state operating license for the premises.
- (d) Outdoor Growers; outdoor grows will be allowed in all Sections mentioned above. The number of permits a grower may have, depends on State regulation and fire and safety guidelines.

Regulation for outdoor grows shall be; fencing shall be at least 10 feet in height and have at least an 80%blocking screen. All grows shall follow the State of Michigan marihuana guidelines and rules for growing, fire and safety guidelines will be

Regulation for outdoor grows shall be, fencing shall be at least 10 feet in height and have at least an 80% blocking screen. All grows shall follow the State of Michigan marihuana guidelines and rules for growing, fire and safety guidelines will be followed at all times, as well as for lighting and security. A Site Plan will be required for all grows, showing the property boundaries, location of fencing, location of driveways, and any building that you will be using. Fencing shall be 100 feet off the side and back property lines and 50 feet off road right-of-way

RENEWALS, AMENDMENTS, AND RESCISSIONS.

- (a) Renewal of AUME Permits.
 - (1) Only an issued permit may be renewed. Applicant's seeking renewals shall file a new application.
- (b) Amendments.
 - (1) Amendment of AUME application or permit, as follows:
 - A. Change in property ownership or property lessee/lessor name(s).
 - B. Applicants shall submit supporting documentation detailing basis for amendment and subsequent documents which amend the application or permit.
- © Transferring Approved AUME Permit.
 - 1. The transferring of an approved permit which changes the listed applicant to a different entity or person may be allowed with the submittal of: Documents consisting of a notarized and original signature;
 - 2. Fee as established.
 - 3. The transferring of an approved permit to another location is prohibited.
- (c) Rescission of approved AUME Permit.
 - (1) An applicant may rescind an approved permit at any time to effectively remove such permit from the associated property.
 - (2) The rescission is effective as of the time and date of the Township approval of a completed Township rescission form.
 - (3) Once the rescission is effective, an applicant receiving the approved rescission cannot file a new AUME application within ten business days anywhere within the Township of Wise.

CONDUCT OF BUSINESS AT A MARIHUANA ESTABLISHMENT.

- (a) A marihuana establishment shall be conducted in compliance with the MRTMA, the rules promulgated pursuant to the MRTMA, including but not limited to the State Administrative Rules and all other laws, rules, and regulations of the State of Michigan and the Township of Wise and follow the same rules and guidelines set up in the Medical Marihuana Ordinance.

PROHIBITED ACTS.

It shall be unlawful:

- 1. For any person to violate any provision of the ordinance or any condition of any permit granted pursuant to this ordinance.
- 2. For any person to produce, sell, distribute or processes more marihuana than allowed by any applicable state or local law.
- 3. For any person to consume, use, or inhale a marihuana product in any form, anywhere within a marihuana establishment or on the property of an establishment, unless establishment is licensed to do so.
- 4. No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under the age of five to open and difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995).
- 5. A marihuana microbusiness shall not operate at multiple locations.

REVOCATION NOT EXCLUSIVE PENALTY.

Nothing in this ordinance shall be deemed to prohibit the Township Administrator or designee from imposing penalties authorized by the Township of Wise Ordinances, including

REVOCATION NOT EXCLUSIVE PENALTY.

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

PENALTY.

Except as otherwise provided in this Ordinance, a person who violates or fails to comply with any of the provisions of this ordinance is responsible for a Municipal civil infraction and shall be subject to civil fines and any other relief that may be imposed by the court.

EFFECTIVE DATE

This ordinance shall take effect 10 days after published.

Moved by Moore to adopt this ordinance as presented, supported by Filhart.

AYES: Filhart, Card, Methner & Moore

NAYS: none

Absent: Burgess

ORDINANCE DECLARES ADOPTED. BY Supervisor Robert Moore

CERTIFICATION

I hereby certify that:

1. The above is a true copy of the Ordinance adopted by the Wise Township Board at the duly noticed and scheduled meeting of the board held on March 31, 2020, pursuant to the required statutory procedures. Amended August 27, 2020
2. A summary of the above Ordinance was published in the Morning Sun newspaper, a newspaper that circulates within Wise Township, on April 13, 2020. Republished in the Morning Sun on September 1, 2020
3. Within a week after publication, I recorded the above ordinance kept by me for the purpose, including the date of passage of the ordinance, and names of the board members voting, and how they voted.

ATTESTED: