

TOWNSHIP OF MUNISING
ORDINANCE NO. 2019-1
COMMERCIAL MARIHUANA ESTABLISHMENT ORDINANCE

SECTION 1: Title

The purpose of this Ordinance is to regulate medical and recreational marihuana establishments within Munising Township, which include marihuana growers, marihuana safety compliance facilities, marihuana processors, marihuana microbusinesses, marihuana retailers, marihuana secure transporters, or any other type of medical or recreational marihuana-related business licensed by the State of Michigan.

SECTION 2: Definitions

- A. As used in this chapter, the following terms shall have the meanings indicated:
1. “Act” means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 *et seq* and Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 *et seq*.
 2. “Township” means Munising Township.
 3. “Supervisor” means the Munising Township Supervisor.
 4. “Board” means the Munising Township Board.
 5. “Department” means the Michigan Department of Licensing and Regulatory Affairs (LARA) or its successor agency.
 6. “Marihuana Establishment” means a Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer, Marihuana Secure Transporter, or any other type of business licensed by the Department to operate under the Acts.
 7. “Marihuana Grower” means a person licensed by the Department to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments.
 8. “Marihuana Microbusiness” means a person licensed by the Department 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.
 9. “Marihuana Processor” means a person licensed by the Department to obtain marihuana from Marihuana Establishments; process and package marihuana; and sell or otherwise transfer marihuana to Marihuana Establishments.
 10. “Marihuana Retailer” means a person licensed by the Department 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.
 11. “Marihuana Safety Compliance Facility” means a person licensed by the Department to test marihuana, including certification for potency and the presence of contaminants.
 12. “Marihuana Secure Transporter” means a person licensed by the Department to obtain marihuana from Marihuana Establishments in order to transport marihuana to Marihuana Establishments.
 13. “Ordinance” means this Commercial Marihuana Establishment Ordinance and any amendments thereto.
 14. “Person” means any firm, person, partnership, association, corporation, company, or legal entity of any kind.

SECTION 3: No Operation Without a Permit

- A. No person shall operate a Marihuana Establishment in the Township without first obtaining a permit to operate pursuant to this Ordinance and having a validly issued license in good standing from the Department (LARA), and having paid all applicable fees.

SECTION 4: Permit Application Submission

- A. The Board may establish, by resolution, an appropriate nonrefundable permit application fee, not to exceed five thousand dollars (\$5,000.00), to help defray application and administrative costs.
- B. Applications for a permit shall be made in writing to the Munising Township Supervisor. All completed applications submitted to the Supervisor shall be considered for issuance of a permit. Completed applications shall be considered in the order in which received by the Supervisor. Each application shall contain an official notation that includes the date and time received. Once the limit on the number of an authorized facility is conditionally reached, then any additional completed applications shall be held in consecutive time and date marked order for future consideration. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Supervisor at any time and receive a refund of the initial application fee submitted.
- C. An application for a permit required by this Ordinance shall be made under oath on forms provided by the Township, and shall be deemed to be complete only if it contains all the following:
 - 1. The appropriate nonrefundable permit fee in the amount set by Board resolution pursuant to Section 4 (A);
 - 2. If the applicant is an individual, the applicant's name; date of birth; physical address, including residential and any business address; mailing address; email address; a copy of government issued photo identification; and one or more phone numbers, including emergency contact information;
 - 3. If the applicant is an entity, the names; dates of birth; physical addresses, including residential and any business addresses; mailing addresses; email addresses; a copy of government issued photo identification; and one or more phone numbers, including emergency contact information, of each individual with an ownership interest, including designation of one such individual as the primary point of contact;
 - 4. The name and physical address of the proposed Marihuana Establishment; and
 - 5. One of the following: (a) proof of ownership of the entire premises wherein the Marihuana Establishment is to be operated; or (b) written consent from the property owner for the use of the premises in a manner requiring licensure under the Act along with a copy of the lease for the premises.
- D. Nothing in this Ordinance shall be read as prohibiting a person from obtaining multiple permits under this Ordinance. An individual or entity must apply for a permit for each Marihuana Establishment that the individual or entity intends to operate in the Township.
- E. Nothing in this Ordinance shall be read as prohibiting a Recreation Marihuana Retailer from operating at the same location as a medical marihuana facility operating pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 *et seq.*
- F. To the extent permissible, and as authorized under Section 205 of the Medical Marihuana Facilities Licensing Act, MCL 333.27205(4), and Section 9 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27959(7), information submitted in conjunction with an application under this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 *et seq.*, and as any of the forgoing statutes may hereafter be amended.

SECTION 5: Permit Application Evaluation

- A. Upon receipt of a completed application meeting the requirements of this Ordinance and confirmation that the number of existing permits does not exceed the maximum number established by this Ordinance, the Supervisor shall refer a copy of the application to the Zoning Administrator for his approval.
- B. No application shall be approved unless:

1. The Zoning Administrator has confirmed that the proposed location complies with the Zoning Ordinance and the Establishment has obtained a Zoning Permit; and
 2. The Alger County Building Inspector, Electrical Inspector, and the Mechanical & Plumbing Inspector have issued permits for the proposed location for compliance with all laws and ordinances for which they are charged with enforcement.
- C. If valid permits are issued by each department identified in subsection B, the Supervisor shall issue a permit to the applicant.
- D. Permits issued under this Ordinance may not be transferred to another person without the approval of the Supervisor. For purposes of this subsection, a change in, transfer of, or acquisition of control of the permittee is not considered to be a transfer. In order to receive approval to transfer a permit to a different person, the permittee must make a written request to the Supervisor, indicating the current permittee and the proposed permittee. The Supervisor shall approve the transfer of a permit to a different person if the Department approves the transfer.
- E. Permits issued under this Ordinance may not be transferred to a different location without the approval of the Supervisor. In order to receive approval to transfer a permit to a different location, the permittee must make a written request to the Supervisor, indicating the current location and the proposed location. The Supervisor shall approve an application to transfer a license to a different location if:
1. The Zoning Administrator has confirmed that the proposed new location complies with the Zoning Ordinance and the Establishment has obtained a Zoning Permit; and
 2. The Alger County Building Inspector, the Electrical Inspector, and the Mechanical & Plumbing Inspector have confirmed that the proposed new location for compliance with all laws and ordinances for which they are charged with enforcement.

SECTION 6: Permits Generally

- A. The Township shall issue no more than a total of 2 permits for Marihuana Establishments in the Township.
- B. No consumption of marihuana shall be permitted on the premises of a Marihuana Establishment, and a sign shall be posted on the premises of each Marihuana Establishment indicating that consumption is prohibited on the premises.
- C. A Marihuana Establishment receiving a permit under this Ordinance shall be subject to inspection by Law Enforcement at any time.
- D. All necessary building, electrical, plumbing, and/or mechanical permits shall be obtained from the applicable governmental authority.
- E. A Marihuana Establishment shall at all times comply with the Munising Township Zoning Ordinance, and all other applicable Munising Township Ordinances. A Marihuana Establishment shall only operate as long as it remains in compliance with all such Ordinances now in force or which hereafter may be adopted or amended.
- F. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including, but not limited to:
1. Maintaining adequate personal cleanliness.
 2. 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.
 3. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.
- G. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.

- H. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- I. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of to minimize the development of odor and minimize the potential for waste becoming an attractant, harborage, or breeding place for pests.
- J. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
- K. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of those microorganisms.
- L. Marihuana Establishments shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- M. A Marihuana Establishment shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings from such systems shall be maintained in a secure, off-site location for a period of fourteen (14) days.
- N. No Marihuana Establishment shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Establishment is operated.
- O. Disposal of marihuana shall be accomplished by a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with the Act and the rules promulgated thereunder.
- P. It shall be prohibited to display any signs that are inconsistent with this Munising Township Zoning Ordinance, the Act, or rules promulgated thereunder.
- Q. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- R. No Marihuana Establishment shall be located within 500 feet of a pre-existing church, public or private school, day care center or a residential zoned area.
- S. All distances under this Ordinance shall be measured from the part of the Marihuana Establishment building nearest to the lot or parcel boundary of a pre-existing church, public or private school, day care center or a residential zoned area. Residential zoned area is R1, R2, LS/R1, LS/R2, or Rural Residential.
- T. Any Marihuana Secure Transporter who has been granted a license under the Act may transport marihuana or money associated with the purchase or sale of marihuana through the Township but may not store marihuana or money associated with the purchase or sale of marihuana in the Township.
- U. In addition to the permit application fee established in Section 3, the Board may establish, by resolution, an appropriate nonrefundable annual permit fee, not to exceed five thousand dollars (\$5,000.00), to help defray application, administrative, and enforcement costs associated with the operation of Marihuana Establishments in the Township.
- V. An applicant or permittee shall notify the Supervisor of any changes in the information submitted in Section 4(B) within two (2) business days of such changes occurring.

SECTION 7: Permit Renewal

- A. The term of each permit shall be one year, and shall run concurrently with the term of the applicant's state license. Within thirty (30) days of the expiration of a permit, the permittee shall apply to renew its permit. Applications to renew a permit shall be made in writing to the Supervisor. If a permittee fails to file an application to renew a permit prior to the date that the permit expires, the permit shall be deemed forfeited.
- B. An application to renew a permit required by this Ordinance shall be made under oath on forms provided by the Township and shall contain substantially the same information as required in Section 4(B), as well as the appropriate nonrefundable annual permit fee in the amount set by Board resolution pursuant to Section 6(T).

- C. Unless the Supervisor finds that denial of a renewal application is warranted due to noncompliance with this Ordinance, and/or pursuant to Section 12, the Supervisor shall grant a renewal permit to a permittee as long as the permittee has a valid state license issued by the Department to operate that Marihuana Establishment.

SECTION 8: Any Marihuana Establishment

- A. Any Marihuana Establishment shall be limited to the Commercial or Industrial zones pursuant to the Munising Township Zoning Ordinance.
- B. Any Marihuana Establishment shall not permit a person under twenty-one (21) years of age on its premises.
- C. Any license issued under this Ordinance shall be prominently displayed on the premises of a Marihuana Establishment.

SECTION 9: Marihuana Retailer

- A. A Marihuana Retailer shall be limited to the Commercial or Industrial zones pursuant to the Munising Township Zoning Ordinance.
- B. No Marihuana Retailer shall be open between the hours of 10:00 p.m. and 8:00 a.m.
- C. A Marihuana Retailer shall not permit a person under twenty-one (21) years of age on its premises.

SECTION 10: Marihuana Microbusiness

- A. A Marihuana Microbusiness shall be limited to the Commercial or Industrial zones pursuant to the Munising Township Zoning Ordinance.
- B. A Marihuana Microbusiness may operate twenty-four (24) hours a day, seven (7) days a week, but may only be open to the public between the hours of 8:00 a.m. and 10:00 p.m.
- C. A Marihuana Microbusiness shall not permit a person under twenty-one (21) years of age on its premises.

SECTION 11: Denial and Revocation

- A. An initial or renewal permit application shall be denied if it does not meet the requirements of this Ordinance.
- B. A permit issued under this Ordinance may be revoked after an administrative hearing at which the Supervisor determines that any grounds for revocation under subsection C exist. Notice of the time and place of the hearing and the grounds for revocation must be given to the permittee at least seven (7) calendar days prior to the date of the hearing, by first class mail, to the address given on the permit application.
- C. A permit issued under this Ordinance may be revoked for a violation of this Ordinance. If a permit issued under this Ordinance is revoked, the Supervisor shall notify the Department of the revocation within seven (7) calendar days.

SECTION 12: No Vested Rights

A property owner, lessor, permit applicant, or permittee shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance.

SECTION 13: Penalties

Any person in violation of any provision of this Ordinance or any provision of a permit issued under this Ordinance is responsible for a civil infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each violation. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and any such other relief as may be permitted in law or equity.

SECTION 14: Severability

Nothing in this Ordinance is intended to limit an individual’s or entity’s rights under the Act. The Act or the rules promulgated thereunder supersede this Ordinance where this is a conflict between them. This Ordinance and various parts, sections and clauses thereof, are hereby declared severable. If any parts, sections, paragraphs or clauses are adjudged invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

SECTION 15: Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 16: Effective Date

This Ordinance shall take effect thirty (30) days after publication following its adoption.

Roll Call:

Ayes: 5

Nays: 0

Ordinance adopted.

Certification: It is hereby certified that this Ordinance was adopted by the Township Board for Munising Township, Alger County, Michigan, at a special meeting of the Board held in the Township Hall at E9630 Prospect Street, Wetmore, MI 49895, on the 12th day of November, 2019.

Lisa Howard, Township Supervisor

Patty Willson, Township Clerk

Appeared for publication on: _____ in the Munising News.