

# MARIHUANA FACILITIES ORDINANCE

## Add to Permit Fee Schedule:

Marihuana Facility Annual Inspection and Permit Fee: \$5,000.00

## Add to Article 2 - Definitions:

### Section 2.01 Definitions

Marihuana Facility – a marihuana grower, marihuana microbusiness, marihuana processor, marihuana provisioning center, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter, or any other type of marihuana-related business licensed by LARA.

Marihuana Grower – a licensed person or commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, retailer, or another grower.

Marihuana Microbusiness – a licensed person or commercial entity that cultivates not more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana Processor – a licensed person or commercial entity that purchases marihuana from a grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center, retailer, or another processor.

Marihuana Provisioning Center – a licensed person or commercial entity 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.

Marihuana Retailer – a licensed person or commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to individuals who are 21 years of age or older.

Marihuana Safety Compliance Facility – a licensed person or 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.

Marihuana Secure Transporter – a licensed person or commercial entity that stores marihuana and transports marihuana between marihuana facilities for a fee.

## Add to Article 4 - Zoning District Regulations

### Section 4.07 AR, Agriculture Residential District

Section 4.07.2 Permitted Principal Special Uses (Reletter section) add:

G. Marihuana Grower, on at least five (5) acres and subject to Section 7.02.23.

H. Marihuana Processor, on at least five (5) acres and subject to Section 7.02.23.

### Section 4.11 CSC, Community Service Commercial District

Section 4.11.2 Permitted Principal Special Uses add:

J. Marihuana Provisioning Center, subject to Section 7.02.23.

K. Marihuana Retailer, subject to Section 7.02.23.

#### Section 4.13 I, Industrial District

Section 4.13.2 Permitted Principal Special Uses with Conditions add:

E. Marihuana Grower, subject to Section 7.02.23.

F. Marihuana Microbusiness, subject to Section 7.02.23.

G. Marihuana Processor, subject to Section 7.02.23.

H. Marihuana Safety Compliance Facility, subject to Section 7.02.23.

I. Marihuana Secure Transporter, subject to Section 7.02.23.

### **Add to Article 7 - Supplementary Regulations**

#### Section 7.02.23 Marihuana Facilities

A. A Marihuana Grower, Marihuana Microbusiness, Marihuana Processor, Marihuana Provisioning Center, Marihuana Retailer, Marihuana Safety Compliance Facility, and Marihuana Secure Transporter, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 3, Section 3.23 Special Use Permits, in the specified zone(s), provided that:

1. The facility must be licensed by the state of Michigan and must be in compliance at all times with the applicable laws of the state of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by LARA, MDEQ, and the state of Michigan. Every applicant must submit a photocopy of the applicant's valid and current property and liability insurance, and Marihuana Facility license issued by the state of Michigan.

2. The Marihuana Facility must be in compliance at all times with all other applicable laws and ordinances of Stockbridge Township.

3. Marihuana Grower shall be limited to four (4), Marihuana Microbusiness shall be limited to one (1), Marihuana Processor shall be limited to one (1), Marihuana Provisioning Center shall be limited to one (1), Marihuana Retailer shall be limited to one (1), Marihuana Safety Compliance Facility shall be limited to one (1), and Marihuana Secure Transporter shall be limited to one (1) within Stockbridge Township.

4. A Marihuana Facility, or activities associated with a licensed Marihuana Facility, may not be permitted in a home as a home occupation or accessory use, nor may they include accessory uses except as otherwise provided in this ordinance.

5. A nonrefundable annual inspection and permit fee shall be paid by each Marihuana Facility that has been approved under this ordinance in an annual amount of not more than five thousand dollars (\$5,000.00). Said fee shall be to defray the costs incurred by the Township for inspection, administration, and enforcement of the local regulations regarding a Marihuana Facility. A Marihuana Facility shall be available for inspection upon request by the Zoning Administrator, Building Official, Enforcement Officer, Emergency Services Official, or State and Local Law Enforcement Officials for compliance with all applicable laws and rules. An annual inspection and an updated photocopy of the applicant's valid and current property and liability insurance, and Marihuana Facility license shall be required for the renewal of a special use permit.

6. A bond shall be paid by each Marihuana Facility that has been approved under this ordinance in an amount of \$10,000.00. Said bond shall be required as proof that the conditions stipulated within the ordinance and special use permit will be fulfilled. Said bond may be used to defray any costs incurred by the Township for repair or demolition of a Marihuana Facility should the facility become abandoned, damaged by fire, or damaged by an act of nature.

7. Stockbridge Township reserves the right to approve or deny a special use permit application. Stockbridge Township further reserves the right to suspend or revoke a special use permit based on a finding that there was a

misrepresentation of information contained in the application, the provisions of the special use standards in this section are not met, the terms of the special use permit and approved site plan are not met, there is a violation of this zoning ordinance which upon notice is not corrected, at the loss of property and liability insurance or a state of Michigan Marihuana Facility License, if operations cease for a period of six (6) months or more, or upon failure or refusal to pay the annual fee or bond.

B. Marihuana Facilities shall be subject to the following standards:

1. Residency/Security: A Marihuana Facility must be operated by the property owner of record. In the AR, Agriculture Residential District, an owner of the subject facility may reside in a dwelling unit on the subject property. All Marihuana Facilities shall have a 24-hour, 7-days-a-week staffed security presence on the property with a direct phone number supplied to S.A.E.S.A. (Stockbridge Area Emergency Services Authority) and local law enforcement.

2. Buffer Zones: A Marihuana Facility may not be located within five hundred (500) feet of a property line of a public or private elementary, junior, senior, vocational, or secondary school; a licensed child care center or preschool; a public playground, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; a public library; a church; or a religious institution.

3. Lot size and Setbacks: Lot sizes shall comply with Section 4.15 Schedule of Area, Height and Placement Regulations for their respective district, unless otherwise provided for elsewhere within this ordinance. A minimum road frontage of three hundred (300) feet shall be required. Setbacks shall be one hundred (100) feet from road right-of-way, one hundred (100) feet from side and rear property lines, and twenty-five (25) feet between structures.

4. Structure: Marihuana cultivation may be conducted either indoors or outdoors, all other marihuana activities shall be located entirely within one (1) or more fully enclosed, secure, indoor facilities with solid/rigid walls, a roof, and doors. A minimum of two thousand five hundred (2,500) square feet of building floor space may be used for all activities associated with a Marihuana Facility. If only a portion of a building is authorized for use in marihuana activities, a wall shall separate the Marihuana activity space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the Marihuana activity space and the remainder of the building. Windows shall not be permitted on the portion of a structure where Marihuana is processed. Outdoor cultivation shall be contiguous with the building and completely enclosed within a ten (10) foot-high fence or barrier that blocks outside visibility of the marihuana plants from the public view, with no marihuana plants growing above the fence or barrier that is visible to the public eye and have a secure gate that will remain locked at all times, except for the minimum length of time needed to allow for ingress or egress. All Marihuana Facilities shall be built or renovated to meet current State of Michigan building codes and all requirements set forth by LARA, MDEQ, and the state of Michigan.

5. Signage: There shall be no exterior signage using the word "marijuana", "marihuana", "cannabis", or any other word, phrase, picture, or depiction commonly understood to refer to marihuana. Neon signs and nonfunctional decorative lighting shall be prohibited.

6. Lighting: Light cast by light fixtures inside any building used for Marihuana activities shall not be visible outside the building from 8:00 p.m. to 7:00 a.m. the following day and shall shield such operation from direct view from any point along the lot lines.

7. Odor: 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. The filtration system shall consist of one (1) 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 (3)). The filters shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of the manufacturers recommended specifications or as deemed necessary by the Township. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

8. Waste: All Marihuana Facilities must comply with LARA, MDEQ, EPA, and any other applicable government agencies environmental waste disposal guidelines.

9. Security Cameras: Security cameras shall be sufficient to cover all access areas and shall be installed and directed to record only the subject property and may not be directed to public rights-of-way, as applicable, except as required to

comply with licensing requirements of the state of Michigan. The security cameras shall be in operation 24-hours a day, 7-days-a-week, and shall be set to maintain the record of the prior sixty (60) days of continuous operation. All recordings shall be available to any law enforcement officials upon request for inspection.

10. Activities: All activities, including all transfers of marihuana, shall be conducted within the structure and out of public view. No marihuana or tobacco products shall be smoked, ingested, or otherwise consumed at the facility.

11. Hours: Hours of operation for a Marihuana Provisioning Center or Marihuana Retailer shall be Monday – Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 5:00 p.m., Sunday 12:00 noon – to 5:00 p.m.

12. Appearance: The exterior appearance of the structure shall be maintained so as to prevent blight, deterioration, or diminishment or impairment of property values within the immediate area.

13. Vehicles: No vehicle owned or operated by a Marihuana Facility located within Stockbridge Township used for transportation or delivery of marihuana or marihuana-related products shall have markings using the word “marijuana”, “marihuana”, “cannabis”, or any other word, phrase, picture, or depiction commonly understood to refer to marihuana. Nor shall a vehicle advertise for the sale, transfer, cultivation, delivery, transportation, or manufacture of marihuana, or in any way indicate that it is transporting marihuana.

14. Access: Security access codes will be given to S.A.E.S.A. (Stockbridge Area Emergency Services Authority) and local law enforcement.

15. Environmental: All Marihuana Facilities must comply with Section 8.02 Landscaping, Greenbelts, Buffering, and Screening as recommended by the Stockbridge Township Board.

16. Plan Review: All Marihuana Facilities must comply with Article 12 Site Plan Review, and all Ingham County and State of Michigan requirements.