

**PITTSFIELD CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE AMENDMENT
ORDINANCE NO. 336**

MEDICAL MARIHUANA AND ADULT USE/RECREATIONAL MARIHUANA

SECOND READING

AMENDING CHAPTER 25

AN ORDINANCE TO AMEND CHAPTER 25 OF THE TOWNSHIP ORDINANCE.

An ordinance to authorize the operation of and provide regulations for medical marihuana facilities and adult use/recreational establishments in the Charter Township of Pittsfield pursuant to PA 281 of 2016 and Michigan Initiated Law 1 of 2018 (Michigan Regulation and Taxation of Marihuana Act), as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN
ORDAINS:

CHAPTER 25 - TITLE This ordinance shall be known as and may be cited as the Charter Township of Pittsfield Medical Marihuana Facilities and Recreation/Adult Use Marihuana Establishment Ordinance.

ARTICLE I MEDICAL MARIHUANA FACILITIES.

Section 25-1 DEFINITIONS. Words used herein shall have the definitions as provided for in Michigan Medical Marihuana Act, MCL 333.26421, et seq.; the Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as may be amended (the "State Marihuana Laws").

Section 25-2 AUTHORIZED FACILITIES.

A. The following medical marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the State Marihuana Laws, as may be amended, the Rules promulgated thereunder and this ordinance:

- (1) An unlimited number of growers shall be authorized in the Township, including Class A and Class B growers.
- (2) An unlimited number of processors shall be authorized in the Township.

- (3) An unlimited number of provisioning centers shall be authorized in the Township.
- (4) An unlimited number of safety compliance facilities shall be authorized in the Township.
- (5) An unlimited number of secure transporters shall be authorized in the Township.

- B. After receiving all required Township zoning approval, Applicants shall submit a marihuana permit application, any required supporting materials, including the Applicant's social equity/inclusion program, and the fee to the Clerk's Office.
- C. The Clerk's Office will grant the marihuana facility licensing permit and execute an Attestation for the Applicant to submit to the state.
- D. An Applicant shall provide proof that the Applicant has received a state operating license for the medical marihuana facility in the Township, to the Clerk's Office.
- E. If an Applicant fails to obtain a state operating license within one year of receiving attestation from the Clerk, the Township permit shall be automatically cancelled by the Clerk. The Township Board shall have the authority to extend the deadline to obtain full authorization for up to two additional six-month periods on written request of the applicant, which must be made at least 30, but not more than 45 days prior to the automatic cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

Section 25-3 REGULATIONS FOR OPERATION.

- A. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to the State Marihuana Laws, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
- B. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all applicable zoning regulations. The facility shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.
- C. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating medical marihuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
- D. An authorized medical marihuana facility shall consent to inspection of the facility by Township officials and the Pittsfield Township Police Department during hours of operation to verify compliance with this ordinance.

- E. If at any time an authorized medical marihuana facility violates this ordinance the Township Board may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Township authorization.
- F. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.
- G. The Township expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.

Section 25-4 ANNUAL FEE; ANNUAL CERTIFICATION. There is hereby established an annual nonrefundable Township medical marihuana facility fee in the amount of \$5,000, for each authorized medical marihuana facility within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual medical marihuana facility fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the medical marihuana facility. Together with the annual medical marihuana facility fee, each authorized medical marihuana facility must certify, on a form provided by the Township, that no material information has changed since the most recent application or certification provided by the facility, or detailing changes in material information. This certification must include Applicant's self-reported conformance with its social equity/inclusion program, or amendments to its social equity/inclusion program. For purposes of this ordinance, material information includes but is not necessarily limited to information relating to ownership, criminal or other legal violations, and any other information which the State of Michigan requires to be reported by marihuana facilities.

Section 25-5 VIOLATIONS AND PENALTIES; ADMINISTRATION AND ENFORCEMENT.

- A. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction as allowed under MCL 600.8727 and/or MCL 600.8735.

- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer, any Township police officer, or by such other person(s) as designated by the Township Board from time to time.

Section 25-6 SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana facilities pursuant to the State Marihuana Laws, as may be amended.

Section 25-7 REPEALER. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 25-8 EFFECTIVE DATE. This ordinance shall take effect thirty days after publication.

ARTICLE II ADULT USE/RECREATIONAL MARIHUANA ESTABLISHMENTS.

Section 25-9 DEFINITIONS. Words used herein shall have the definitions as provided for in Michigan Medical Marihuana Act, MCL333.26421, et seq.; the Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL333.27901 et seq.; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as may be amended (the "State Marihuana Laws").

Section 25-10 AUTHORIZED ESTABLISHMENTS.

- A. The following marihuana establishments may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the State Marihuana Laws, as may be amended, the Rules promulgated thereunder and this ordinance:
 - (1) An unlimited number of growers shall be authorized in the Township, including Class A and Class B growers.
 - (2) An unlimited number of processors shall be authorized in the Township.
 - (3) An unlimited number of retailers shall be authorized in the Township.
 - (4) An unlimited number of safety compliance facilities shall be authorized in the Township.
 - (5) An unlimited number of secure transporters shall be authorized in the Township.
 - (6) Zero microbusinesses shall be authorized in the Township.

- B. After receiving all required Township zoning approval, Applicants shall submit a marihuana permit application, any required supporting materials, including the Applicant's social equity/inclusion program, and the fee to the Clerk's Office.
- C. The Clerk's Office will grant the marihuana establishment licensing permit and execute an Attestation for the Applicant to submit to the state.
- D. An Applicant shall provide proof to the Clerk that the Applicant has received a state operating license for the marihuana establishment in the Township, to the Clerk.
- E. If an Applicant fails to obtain a state operating license within one year of receiving attestation from the Clerk, the Township permit shall be automatically cancelled by the Clerk. The Township Board shall have the authority to extend the deadline to obtain full authorization for up to two additional six-month periods on written request of the Applicant, which must be made at least 30, but not more than 45 days prior to the automatic cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

Section 25-11 REGULATIONS FOR OPERATION.

- A. An authorized marihuana establishment shall only be operated within the Township by the holder of a state operating license issued pursuant to the State Marihuana Laws, as may be amended, and the Rules promulgated thereunder. The establishment shall only be operated as long as the state operating license remains in effect.
- B. Prior to operating an authorized marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all applicable zoning regulations. The establishment shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.
- C. Prior to operating an authorized marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating marihuana establishments, and generally applicable Township police power ordinances. The establishment shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
- D. An authorized marihuana establishment shall consent to inspection of the establishment by Township officials and the Pittsfield Township Police Department during hours of operation to verify compliance with this ordinance.
- E. If at any time an authorized marihuana establishment violates this ordinance the Township Board may request that the state revoke or refrain from renewing the establishment's state

operating license. Once such state operating license is revoked or fails to be renewed, the Clerk shall cancel the Township authorization.

- F. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized marihuana establishment a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.
- G. The Township expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized marihuana establishments authorized to operate within the Township.

Section 25-12 ANNUAL FEE; ANNUAL CERTIFICATION. There is hereby established an annual nonrefundable Township marihuana establishment fee in the amount of \$5,000, for each authorized marihuana establishment within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual marihuana establishment fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the marihuana establishment. Together with the annual marihuana establishment fee, each authorized marihuana establishment must certify, on a form provided by the Township, that no material information has changed since the most recent application or certification provided by the establishment, or detailing changes in material information. This certification must include Applicant's self-reported conformance with its social equity/inclusion program, or amendments to its social equity/inclusion program. For purposes of this ordinance, material information includes but is not necessarily limited to information relating to ownership, criminal or other legal violations, and any other information which the State of Michigan requires to be reported by marihuana facilities.

Section 25-13 VIOLATIONS AND PENALTIES; ADMINISTRATION AND ENFORCEMENT.

- A. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- B. A violation of this ordinance is a municipal civil infraction, for which the civil fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction as allowed under MCL 600.8727 and/or MCL 600.8735.
- C. Each day during which any violation continues shall be deemed a separate offense.

- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer, any Township police officer, or by such other person(s) as designated by the Township Board from time to time.

Section 25-14 SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana facilities pursuant to the State Marihuana Laws, as may be amended.

Section 25-15 REPEALER. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 25-16 EFFECTIVE DATE. This ordinance shall take effect thirty days after publication.

Michelle Anzaldi
Charter Township of Pittsfield Clerk
Dated: _____, 2022
Planning Commission Public Hearing:
First Reading:
Adoption:
Posted:
Final Publication:
Effective Date:

Mandy Grewal
Charter Township of Pittsfield Supervisor
Dated: _____, 2022
April 7, 2022
May 11, 2022

CLERK’S CERTIFICATE

I, Michelle Anzaldi, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Zoning Ordinance Amendment #21-215, Medical Marihuana And Adult Use/Recreational Overlay District, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on _____, 2022, after said Ordinance had previously been introduced at a Regular Meeting of the Board held _____, 2022, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member _____ moved for adoption of said Ordinance, and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance _____, and that the following Members voted against adoption of said Ordinance _____, and that the following Members were absent or abstained from voting on the adoption of said Ordinance _____.

I further certify that after its passage the Ordinance was published on _____, 2022, in accordance with P.A. 359 of 1947, as amended, by Ann Arbor News.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

Michelle Anzaldi
Charter Township of Pittsfield Clerk

Dated: _____, 2022

Planning Commission Public Hearing: April 7, 2022
First Reading: May 11, 2022
Adoption:
Posted:
Final Publication:
Effective Date: