

**CHARTER TOWNSHIP OF BATH
CLINTON COUNTY, MICHIGAN**

**AMENDMENT TO MICHIGAN MEDICAL MARIHUANA FACILITIES
LICENSING ORDINANCE**

ORDINANCE NO. 68.1

At a duly scheduled meeting of the Township Board of the Charter Township of Bath, Clinton County, Michigan held at the Charter Township of Bath Township Board Meeting Room on June 15, 2020 at 6:00p.m., Township Board Member McCrimmon moved to introduce the following Ordinance for posting, publication, and subsequent final adoption, which motion was seconded by Township Board Member Benzie

An Ordinance amending the Michigan Medical Marihuana Facilities Licensing Ordinance, Ordinance No. 68, to provide for Provisioning Center Facilities and regulations of the same, to adjust spacing requirements, and to make other amendments and to repeal all ordinances or parts thereof in conflict therewith to protect the public health, safety and general welfare of the citizens and visitors to the Charter Township of Bath.

THE CHARTER TOWNSHIP OF BATH, CLINTON COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO SECTION 3. Section 3 of Ordinance No. 68 shall be amended to read as follows:

**SECTION 3: PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE;
ELIGIBILITY; GENERAL PROVISIONS.**

1. The Township hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities, subject to the number of available Permits issued in this Section:
 - a. Growers, Class A
 - b. Growers, Class B
 - c. Growers, Class C
 - d. Processors
 - e. Provisioning Centers
 - f. Safety Compliance Facilities
 - g. Secure Transporters

2. The number of Commercial Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the Township:
 - a. Grower Permits, Class A: No limit
 - b. Grower Permits, Class B: No limit
 - c. Grower Permits, Class C: No limit

- d. Processor Permits: No limit
 - e. Provisioning Center Permits: One
 - f. Safety Compliance Facility Permits: No limit
 - g. Secure Transporter Permits: ZERO
 - h. The Township Board may review and amend these numbers by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.
3. No person shall operate a Commercial Medical Marihuana Facility at any time and at any location within the Township unless an effective Permit for that person at that location has been issued under this Ordinance.
 4. Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
 5. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
 6. At the time of Application, each Applicant shall pay applicable fees, including Application fees, annual fees, renewal fees, transfer fees, and inspection fees, for Permits to the Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Commercial Medical Marihuana Facilities. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law.
 7. A Permit or Renewal Permit shall remain valid only for one year following its approval.
 8. A Permit and a Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid for one year immediately following its approval.
 9. Each year, any pending Applications for renewal, amendment, or transfer of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
 10. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.
 11. No Permit issued under this Ordinance may be transferred to any Person unless the transferee has submitted an Application, all required fees under this Ordinance and has been granted a Permit by the Township Board after complying with Section 5 of this Ordinance.

12. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit, whether through a single transaction or the combined sum of multiple transactions, is permitted unless the transferee has submitted an appropriate Application and all required fees under this Ordinance.
13. The Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
14. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement 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 Permit.
15. A Permit Holder may not engage in any other Commercial Medical Marijuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.
16. Any applicant for a Provisioning Center must be prequalified by the Department at the time of application and must submit an official prequalification statement from the Department with its application papers.

SECTION 2: AMENDMENT TO SECTION 6. Section 6 of Ordinance No. 68 shall be amended to read as follows:

SECTION 6: OPERATIONAL REQUIREMENTS – COMMERCIAL MEDICAL MARIHUANA FACILITIES. A Commercial Medical Marijuana Facility issued a Permit under this Ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Commercial Medical Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the Medical Marijuana Facilities Licensing Act or this Ordinance. The Facility must hold a valid local Permit and State Commercial Medical Marijuana Facility License for the type of Commercial Medical Marijuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
2. *Required Documentation.* Each Commercial Medical Marijuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marijuana Facility shall be permitted to operate from a moveable, mobile or

transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.

3. *Security.* Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
 - a. Security surveillance HD cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight, except for Marihuana actively grown in a Grower Facility;
 - d. All Marihuana in whatever form stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Property, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least 30 days by the Permit Holder and made available to any law enforcement upon request for inspection.
4. *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m.
5. *Required Spacing.*
 - a. In this subsection, "school" means a public school, special education building operated by an intermediate school district or school district, state approved nonpublic school, or a vocational education building operated by an intermediate school district or school district as those terms are defined in the Revised School Code, MCL 380.1 *et seq.*
 - b. In this subsection, a freeway means a divided arterial highway for through traffic with full control of access and with all crossroads separated in grade from pavements for through traffic.
 - c. In this subsection, any distance shall be measured horizontally between the nearest property lines.

- d. No Commercial Medical Marihuana Facility shall be located or operated within one-thousand (1,000) feet from any school or licensed day care if such uses are in existence at the time the Facility is established.
 - e. No Provisioning Center Facility shall be located or operated within two-thousand (2,000) feet from any school or licensed day care if such uses are in existence at the time the Facility is established.
 - f. Any Provisioning Center Facility shall be co-located or operated with a Grower and Processor Facility.
 - g. Any Provisioning Center Facility shall be located or operated within one-thousand (1,000) feet of a freeway interchange ramp, except any Provisioning Center or other Commercial Medical Marihuana Facility shall not be located within 1,000 feet of Webster Road between the westbound I-69 ramp on the south and Clark Road on the north.
6. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the state License or the Township's Permit.
 7. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
 8. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marihuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
 9. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited.
 10. *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises.
 11. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.

12. *Distribution.* No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
13. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
14. *Waste Disposal.* The permit holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
15. *Transportation.* Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
 - a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
 - b. In a manner consistent with all applicable state laws and rules, as amended;
 - c. In a secure manner designed to prevent the loss of the Marihuana;
 - d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words “Marihuana”, “cannabis” or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
 - e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
16. *One Year Operation.* The Township may deny renewal of any Permit to a Commercial Marihuana Facility that does commence operations within one year of the issuance of the Permit.
17. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

SECTION 3. SEVERABILITY: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction,

that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 4. REPEAL: All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

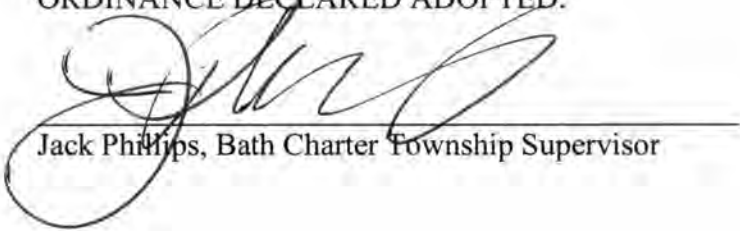
SECTION 5. EFFECTIVE DATE. This Ordinance Amendment shall take effect immediately following publication after final adoption by the Township Board.

YEAS: Benzie, McCrimmon, Wiswasser, Cronk, Rosekrans, McQueen, Phillips

NAYS: None.

ABSENT/ABSTAIN: None.

ORDINANCE DECLARED ADOPTED.




Jack Phillips, Bath Charter Township Supervisor

CERTIFICATION

I hereby certify that:

1. The Ordinance as first read on June 15, 2020 for posting and publication and subsequently adopted on June 28, 2020.
2. The above is a true copy of an Ordinance adopted by the Bath Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on July 6, 2020, pursuant to the required statutory procedures.
3. A summary of the above Ordinance was duly published in the DeWitt Bath newspaper, a newspaper that circulates within Bath Charter Township, on June 28, 2020.
4. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.

ATTESTED:



Brenda L. Butler-Challender, Bath Charter Township Deputy Clerk