

GREEN LAKE TOWNSHIP

Ordinance No. 12122022.1 of 2022

**AN ORDINANCE TO AMEND THE GREEN LAKE TOWNSHIP
RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE,
BEING INITIATED ORDINANCE 1 OF 2022, AND TO PROVIDE
PENALTIES FOR VIOLATIONS OF THE INITIATED ORDINANCE**

GREEN LAKE TOWNSHIP HEREBY ORDAINS:

Section 1. Amendment of Section 1.

Section 1 of the Green Lake Township Recreational Marijuana Establishments Ordinance, being Initiated Ordinance 1 of 2022, is hereby amended to read in its entirety as follows:

Section 1. Definitions. As used in this Ordinance,

“Act” means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, being MCL 333.27951, *et seq.*

“Applicant” means a person who applies for a permit under this Ordinance and who intends to apply or has applied for a state license under the Act and includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.

“Co-located marihuana establishment” means a single location at which two or more state licensed marihuana establishments are operating.

“Designated consumption establishment” means a business licensed as a designated consumption facility under the Act.

“Licensee” means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

“Marihuana” means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

“Marihuana accessories” means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

“Marihuana establishment” means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953, but shall not include a designated consumption establishment.

"Marihuana grower" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Marihuana microbusiness" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Marihuana processor" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Marihuana retailer" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Marihuana secure transporter" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Marihuana safety compliance facility" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Process" means that term as defined from time to time in Section 3 of the Act, being MCL 333.27953.

"Recreational Marihuana Administrator" or "RM Administrator" means the Green Lake Township Zoning Administrator or other official designated by the Township Board.

Section 2. Amendment of Section 2.

Section 2 of the Green Lake Township Recreational Marijuana Establishments Ordinance, being Initiated Ordinance 1 of 2022, is hereby amended to read in its entirety as follows:

Section 2 – Authorizations

An unlimited number of marihuana establishments may be operated within the boundaries of Green Lake Township under the terms and conditions of this Ordinance.

Section 3. Amendment of Initiated Ordinance 1 of 2022.

The Green Lake Township Recreational Marijuana Establishments Ordinance, being Initiated Ordinance 1 of 2022, is hereby amended to add the following sections, which new sections shall read in their entirety as follows:

Section 2A – Application, Fee, and Application Limitation

An applicant seeking a permit(s) under this Ordinance shall submit a complete application for the marijuana establishment sought under this Ordinance to the RM Administrator and pay the required fee, which shall be determined from time to time by resolution of the Township Board. Each applicant, as defined in this Ordinance, shall be limited to one (1) application for each type of marijuana establishment sought at the same location, and may not file multiple applications under different legal entities for the same type of marijuana establishment at the same location. The RM Administrator shall note the date and time each application is filed. The application shall include all of the following information and any other information reasonably necessary for the RM Administrator to determine whether the applicable standards for approval provided in Section 2E of this Ordinance have been met.

- (a) The name and business address of the applicant.
- (b) The names, addresses, and dates of birth of all officers, directors, and managerial employees of the applicant and all persons who hold any direct or indirect ownership interest in the applicant.
- (c) The type(s) of proposed marijuana establishment(s) for which a permit(s) is being sought under this Ordinance.
- (d) If the proposed marijuana establishment(s) for which a permit(s) is being sought under this Ordinance will be a co-located marijuana establishment, then the applicant shall identify the other marijuana establishment(s) that will comprise the co-located marijuana establishment
- (e) The address of the location at which the proposed marijuana establishment(s) will be located.
- (f) Proof of ownership or lease of the building or land in or on which the proposed marijuana establishment(s) will be located.
- (g) A copy of all documents, plans and any information that was filed with the state as part of the applicant's state license application(s) under the Act.

- (h) A written sign plan specifying the locations, size, and lighting of any proposed signs to be placed on the property or buildings of each type proposed marihuana establishment.

Section 2B – Administratively Complete Application

The RM Administrator shall within ten (10) business days after an application is filed, review the application and information submitted to determine if all required information was supplied (i.e., whether the application is administratively complete). Each application that is administratively complete shall be valid for one (1) year from the date the RM Administrator determines it is administratively complete. If the RM Administrator determines that all required information was not supplied, he or she shall send written notification to the applicant specifying the deficiencies. If the deficiencies are not corrected within fourteen (14) days of the notice from the RM Administrator, then the application shall be deemed administratively incomplete and shall be deemed withdrawn and/or denied.

Section 2C – Standards for Approval and Regulations

The RM Administrator shall approve and issue a conditional permit for each marihuana establishment for which a permit is sought under this Ordinance when all of the following applicable standards are met:

- (a) The applicant provides documentation from the Michigan Cannabis Regulatory Agency that applicant has been granted prequalification status from that Agency for the state license needed to operate the marijuana business that is the subject of the conditional permit being sought under this Ordinance.
- (b) The applicant owns or has the legal right to occupy the building in or on which the marihuana establishment will be located.
- (c) If the proposed marihuana establishment(s) for which a permit(s) is being sought under this Ordinance will be a co-located marihuana establishment, then all marihuana establishments that comprise the co-located marihuana establishment shall comply with this Ordinance and are licensed by the state under the act.
- (d) The proposed marihuana establishment is located in an area of the Township zoned for that use under the Green Lake Township Zoning Ordinance.
- (e) The proposed signs for each marihuana establishment comply with all requirements of the Green Lake Township Zoning Ordinance for the zoning district in which it is located.
- (f) All marihuana accessories shall not be visible to members of the public from any street, sidewalk, park, or other public place.

- (g) Any artificial lighting utilized to grow marihuana shall be shielded to prevent glare and must not be visible from neighboring properties and/or from any street, sidewalk, park, or other public place.
- (h) Marihuana processors and retailers shall only be operated or open for business between 9:00 a.m. and 9:00 p.m. daily.
- (i) No marihuana shall be consumed, smoked, or ingested by any method in a marihuana establishment or on the lot, parcel, or condominium unit of a marihuana establishment.
- (j) A proposed marihuana establishment shall not be located within an area zoned exclusively for residential use.
- (k) A proposed marihuana establishment shall meet all of the following spacing requirements. For purposes of this subsection the distance required shall be measured using a straight line from the closest point on the property line of each of the two lots, parcels, or condominium units or from the closest point of the building and the lot, parcel, or condominium unit.
 - (1) The proposed marihuana establishment shall not be located on any lot, parcel, or condominium unit within 1,000 feet of any lot or parcel on which pre-existing public or private school is providing education in kindergarten or any of grades 1 through 12.
 - (2) The proposed marihuana establishment shall not be located on any lot, parcel, or condominium unit within 1,000 feet of a lot, parcel, or condominium unit on which a pre-existing licensed day care facility, public library, public park, or church is located.
 - (3) The building within which a marihuana establishment is located shall not be located within 50 feet of any property located within any residential zoning district under the Green Lake Township Zoning Ordinance.
- (l) The building within which a marihuana establishment is located shall be screened with a six-foot-tall opaque fence, decorative masonry wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery) from the marihuana establishment. The RM Administrator may waive this requirement if he or she determines that such screening or buffering is not needed to achieve the specified objectives based on the marihuana establishment under consideration.

(m) A proposed marihuana establishment shall control and eliminate odor as follows:

(1) The building within which the marihuana establishment is located shall be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.

(2) The filtration system referenced in subsection (1) above shall consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. 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. The filter(s) shall be rated for the applicable CFM.

(3) The filtration system referenced in subsection (1) above shall be maintained in working order and shall be in use at all times. The filters shall be changed per manufacturers' recommendation to ensure optimal performance.

(4) Negative air pressure shall be maintained inside the building at all times.

(5) Doors and windows shall remain closed, except for the minimum time length needed to allow people and/or products to ingress or egress the building.

(6) An alternative odor control system shall be permitted if the applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required in subsection (m).

(7) The RM Administrator may waive this air filtration system if he or she determines that the marihuana establishment under consideration does not produce odors capable of leaving the building.

(n) The applicant agrees to indemnify Green Lake Township, its officers, board members, successors, assigns, agents, servants, employees, and insurance companies from any damages, legal fees or expenses, awards, demands, rights, causes of action that arise out of or grow out of applicant's operation of any marihuana establishment within Green Lake Township. This provision shall apply to any and all claims by either party, its public officials, officers, council members, agents, servants, employees, successors or assigns or to any and all claims by any third party.

Section 2D – Continuing Compliance with Standards and Regulations Required

The licensee of a marihuana establishment shall operate the marihuana establishment in full compliance with the standards and regulations specified in Section 2C of this Ordinance. Any violation of these standards and regulations shall constitute a violation of this Ordinance and shall subject the licensee or other person violating the standards and regulations to the enforcement provisions of this Ordinance.

Section 2E – Conditional Permit; Duration; Extension; Re-application; No Transfer

- (a) A permit issued under this Ordinance shall not authorize the operation of any marihuana establishment authorized under this Ordinance within Green Lake Township, but shall be expressly conditioned on the state actually issuing to the applicant a state license under the Act and the Zoning Administrator issuing a zoning permit for each marihuana establishment for which a permit was issued under this Ordinance. If the state denies issuing to the applicant a state license under the Act, then the permit issued under this Ordinance shall be deemed null and void.
- (b) A permit issued under this Ordinance shall be valid for a period of six (6) months from the date it is issued. An applicant may obtain one (1) extension of the permit for an additional six (6) months if such request for the extension is filed with RM Administrator before the expiration of the permit and the applicant demonstrates that the application for a state license remains pending with the state. Provided, however, if the Michigan Cannabis Regulatory Agency extends the prequalification status of any application pending with that agency, then the conditional permit issued under this Ordinance shall be valid for a period of six (6) months following the termination of any such extension and may thereafter be extended as provided in this subsection.
- (c) If a permit expires as provided in this section, then the applicant may re-apply for a permit following the same procedures as for a new permit and pay a new application fee. The date the new, complete application is filed will be noted as provided in Section 2B of this Ordinance.
- (d) A permit issued under this Ordinance shall not be transferred any other applicant or person.

Section 2F – Appeal

Any person aggrieved by a decision of the RM Administrator may appeal that decision to the Green Lake Township Board following the procedures of the Green Lake Township Zoning Ordinance, as amended, for appeals to the Zoning Board of Appeals.

Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken. During the appeal, the Township Board shall conduct a *de novo* hearing of the matter and to that end shall have all the powers of the RM Administrator. In rendering its decision, the Township Board shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within a reasonable period of time after receiving all evidence and data in the case. The decision of the Township Board shall then be sent promptly to the applicant, to the person who filed the appeal (if different than the applicant), and to the RM Administrator.

Section 2G – Nuisance

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 2H – Violations

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

Section 2I – Enforcement Officials.

The RM Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 2J – Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 4. Validity.

If any section, provision or clause of this Amendatory Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 5. Effective Date.

This Amendatory Ordinance shall become effective the day following its publication in a newspaper of general circulation within the Township.

Ordinance No. 12122022.1 was adopted on the 19th day of December 2022, by the Green Lake Township Board as follows:

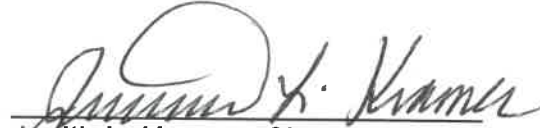
Motion by: Marek

Seconded by: Bieganowski

Yeas: Bieganowski, Marek, West, McDonald, Kramer and Radtke.

Nays: NONE

Absent: Biondo




Judith L. Kramer, Clerk



Marvin Radtke, Supervisor

I certify that this is a true copy of Ordinance No. 12122022.1 that was adopted at a regular meeting of the Green Lake Township Board on December 19, 2022, and published in the Traverse City Record Eagle on December 23, 2022.

Dated: 12/20/22



Judith L. Kramer, Clerk