

**TOWNSHIP OF ACME
GRAND TRAVERSE COUTNY, MICHIGAN**

**ACME TOWNSHIP MEDICAL MARIHUANA LICENSING ORDINANCE
2017-02**

(Approved October 3, 2017; Amended November 14, 2017; Effective December 16, 2017)

1. Title

This ordinance shall be known and cited as the Acme Township Medical Marihuana Licensing Ordinance.

2. Purpose

The purpose of this ordinance is to regulate and license the conduct of activity pursuant to the Michigan Medical Marihuana Act, Public Act 1 of 2008 as amended, the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 as amended, and the Marihuana Tracking Act, Public Act 282 of 2016 as amended (the Acts) in order to:

- A) Protect the health, safety, and welfare of the general public.
- B) Establish a set of rules and regulations which are fair and equitable for those interested in establishing Medical Marihuana Facilities in compliance with the Acts:
- C) Provide reasonable regulation pursuant to the Acme Township general police power granted to townships by the Michigan Constitution of 1963 and the Township Ordinances Act, MCL 41.181 *et seq.*

Acme Township does not intend that registration and regulation under this ordinance be constructed as a finding that such businesses and activities are legal under federal law. By requiring registration and compliance with requirements as provided in this ordinance, Acme Township intends to protect, to the extent possible, the public health, safety and welfare of the residents of and visitors to Acme Township from harm that may result from the activities of persons who unilaterally or on the advice of their own attorney determine that they may legally operate a business involved in the cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of medical marihuana.

Nothing in this ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution, for cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of medical marihuana not in strict compliance with the Acts.

This ordinance permits authorization for certain activities based on the Acts. Nothing in this ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of medical marihuana not in strict accordance with the express authorization of the Acts and this ordinance; and, nothing in this ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, possession, use, manufacture, distribution, distribution, transport, processing or dispensing of marihuana. Thus, the authorization of activity, and the approval of a license under this ordinance shall not have the effect of superseding or nullifying

federal law applicable to the cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

3. Legal Basis

This ordinance is enacted pursuant to the statutory authority granted by MCL 41.181 *et seq* authorizing the Acme Township to adopt licensing ordinances and regulations to secure the public health, safety and general welfare.

4. Definitions

For purposes of this ordinance, terms and words defined by the Acts shall have the same meaning as provided those Acts. Additionally, certain terms and words used herein shall have the following meaning:

- A) **Act** means the Michigan Medical Marihuana Act, Public Act 1 of 2008 as amended, the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, and the Marihuana Tracking Act, Public Act 282 of 2016, and all related Michigan Administrative Rules, as amended.
- B) **Applicant** means a person who applies for a license under this ordinance and includes all officers, directors, and managerial employees of the applicant and all persons who hold any direct or indirect ownership interest in the applicant.
- C) **Licensee** means a person holding a license from Acme Township under this ordinance and also holding a state operating license.
- D) **Medical Marihuana** means marihuana grown, used, or transferred for “medical use” as defined by the Acts.
- E) **Medical Marihuana Grower** means a licensee that is a commercial entity located in Acme Township that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- F) **Medical Marihuana Provisioning Center** means a licensee that is a commercial entity located in Acme Township that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department’s marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this ordinance.
- G) **Medical Marihuana Facility** means a location at which a license holder is licensed to operate under this ordinance.
- H) **Medical Marihuana Processor** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- I) **Medical Marihuana Safety Compliance Facility** means a licensee that is a 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.

- J) **Medical Marihuana Secure Transporter** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- K) **Person** means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- L) **Primary Caregiver** means the definition of Primary Caregiver found in the Medical Marihuana Act.
- M) **Qualifying Patient** means the definition of Qualifying Patient found in the Medical Marihuana Act.

5. Regulations for Medical Marihuana Grower

A Medical Marihuana Grower shall comply at all times with the following:

- 1) A Medical Marihuana Grower shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- 2) A Medical Marihuana Grower shall have at all times a valid license from the State Medical Marihuana Licensing Board created by the Acts.
- 3) No Distribution of Medical Marihuana to any Primary Caregiver or Qualifying Patient may take place at a Medical Marihuana Grower.
- 4) A Medical Marihuana Grower may grow no more marihuana plants than allowed pursuant to its license from the State Medical Marihuana Licensing Board for one of the following classes:
 - a. Class A – 500 marihuana plants
 - b. Class B – 1,000 marihuana plants
 - c. Class C -- 1,500 marihuana plants
- 5) A Medical Marihuana Grower may only sell marihuana seeds or marihuana plants to a grower by means of a secure transporter pursuant to the Acts.
- 6) A Medical Marihuana Grower may sell marihuana, other than seeds to a processor or provisioning center by means of a secure transporter pursuant to the Acts.
- 7) Until December 31, 2021, a Medical Marihuana Grower must have, or have as an active employee an individual who has, a minimum of 2 years’ experience as a registered primary caregiver.
- 8) A Grower may not be a registered primary caregiver and may not employ a registered primary caregiver.
- 9) All marihuana plants or products must be contained within the Medical Marihuana Grow Facility in an enclosed, locked facility that restricts and prevents access by any persons other than those allowed and meets all state requirements.
- 10) Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
- 11) All activities shall be conducted so as not to create or permit trespass of spillage of dust, glare, sound, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.
- 12) All activities shall be conducted so as not to be visible in any way from neighboring properties, adjacent streets of public right of ways.

6. Regulations for Medical Marihuana Provisioning Center

A Medical Marihuana Provisioning Center shall comply at all times with the following:

- 1) A Medical Marihuana Provisioning Center shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- 2) A Medical Marihuana Provisioning Center shall have at all times a valid license from the State Medical Marihuana Licensing Board created by the Acts.
- 3) A Provisioning Center may only purchase or transfer medical marihuana from a grower or processor and may only sell or transfer medical marihuana to a qualifying patient or registered primary caregiver.
- 4) A Provisioning Center may transfer medical marihuana to or from a safety compliance facility for testing.
- 5) All transfers to or from a separate marihuana facility must be by means of a secure transporter.
- 6) A Provisioning Center may only sell or transfer medical marihuana to a qualifying patient or primary caregiver after the medical marihuana has been tested and bears the label required for retail sale.
- 7) No use of medical marihuana shall be allowed at a Provisioning Center.
- 8) A Provisioning Center shall not allow a physician to conduct a medical examination or issue a medical certification document on its premises for the purpose of obtaining a registry identification card.

7. Regulations for Medical Marihuana Processor

A Medical Marihuana Processor shall comply at all times with the following:

- 1) A Medical Marihuana Processor shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- 2) A Medical Marihuana Processor shall have at all times a valid license from the State Medical Marihuana Licensing Board created by the Acts.
- 3) A Processor may only purchase marihuana from a grower and may only sell marihuana-infused products or marihuana to a Provisioning Center.
- 4) A Processor may only transfer medical marihuana by means of a secure transporter.
- 5) Until December 31, 2021, a Processor must have, or have as an active employee, an individual who has, a minimum of 2 years' experience as a registered primary caregiver.
- 6) A Processor may not be a registered primary caregiver and may not employ a registered primary caregiver.

8. Regulations for Medical Marihuana Secure Transporter

A Medical Marihuana Secure Transporter shall comply at all times with the following:

- 1) A Medical Marihuana Secure Transporter shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- 2) A Medical Marihuana Secure Transporter shall have at all times a valid license from the State Medical Marihuana Licensing Board created by the Acts.
- 3) A Secure Transporter may store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money.
- 4) A Secure Transporter may not transport to a registered qualifying patient or to a registered primary caregiver.
- 5) No Secure Transporter or investor therein may have an interest in a Grower, Processor, Provisioning Center or Safety Compliance Facility.

- 6) No Secure Transporter or investor therein may be a registered qualifying patient or a registered primary caregiver.
- 7) A Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the act.

9. Regulations for Medical Marihuana Safety Compliance Facility

A Medical Marihuana Safety Compliance Facility shall comply at all times with the following:

- 1) A Medical Marihuana Safety Compliance Facility shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.
- 2) A Medical Marihuana Safety Compliance Facility shall have at all times a valid license from the State Medical Marihuana Licensing Board created by the Acts.
- 3) A Safety Compliance Facility may receive marihuana from, test marihuana for, and return marihuana to only a medical marihuana facility.
- 4) A Safety Compliance Facility must be accredited or have a variance pursuant to the Acts.
- 5) No Safety Compliance Facility owner or investor may have an interest in a Grower, Secure Transporter, Processor, or Provisioning Center.
- 6) A Safety Compliance Facility must have a secured laboratory space that cannot be accessed by the general public.

10. License Required

No Medical Marihuana Facility, whether proposed, or existing at time of enactment of this ordinance, shall be permitted within Acme Township unless such location shall have obtained a current License under this ordinance as follows:

- 1) The exact location of a Facility used for the Medical Marihuana including the space within a building so used shall be clearly identified on the License;
- 2) The License requirement applies to all Medical Marihuana Facilities that are proposed or existing on the effective date of this ordinance;
- 3) Issuance of a License does not waive any other licensing and permitting requirement imposed by any other state or local law;
- 4) A License shall be valid for the calendar year in which it is issued, unless revoked for violation(s), in which case it is considered to be null and void;
- 5) No License is transferable or assignable to any other person or location, unless approved as a license pursuant to this ordinance.

11. License Application

Any License issued under this ordinance is specific to the licensed person and location. Any change in ownership in any manner and any change in location requires a new license. Applicants shall make application to the Zoning Administrator and applications shall include the following:

- 1) The address and legal description of the premises which is to be used as a Medical Marihuana Facility.
- 2) Describe the Facility, and all enclosed, locked areas within the Facility as required by Michigan law.
- 3) If a Provisioning Center, describe all locations in the premises where the sale or transfer to a patient shall take place.
- 4) If a Grower, specify the Class under which the Grower seeks the license. Include a statement attesting and consenting that all activities will be conducted so as not to create or permit

trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

- 5) Include a statement attesting and consenting that all artificial lighting must and will be shielded to prevent glare and light trespass and must not and will not be visible, from neighboring properties, adjacent streets or public right of ways.
- 6) The name and address of all owners of the real property where the Medical Marihuana Facility is located, including a statement by each owner attesting to their knowledge, understanding, and authorization of such activity upon their property.
- 7) Name, address, and other contact information of all Applicants as defined above. A statement attesting whether an Applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.
- 8) Payment of a non-refundable License fee, which shall be determined by resolution of the Acme Township Board.

12. License Standards

The standards for approval of all Medical Marihuana Facilities are as follows:

- 1) The Facility complies with zoning, although no land use permit is required in order to receive a license.
- 2) A Medical Marihuana Grower's Facility shall occur inside of an enclosed, locked facility within the confines of a building, and such activities shall occur only in locations not visible to the public and adjoining uses.
- 3) The Application meets all requirements found in this Licensing Ordinance.
- 4) An Applicant shall meet all requirements found in the Acts, including issuance of a State license.
- 5) The Applicant has signed and sworn that the Applicant has not knowingly submitted an Application containing false information.

13. Licensing Procedures

The apparent demand for Medical Marihuana Facilities Licenses requires that Acme Township implement an initial licensing procedure and a subsequent licensing procedure.

- 1) Initial Licensing Procedure.
The initial licensing procedure shall be set out as follows:
 - a) Applicants shall submit a separate completed application pursuant to the requirements set out above for each license the Applicant seeks.
 - b) Applications shall be delivered to Acme Township either by hand no later or post marked no later than January 31, 2018.
 - c) The Zoning Administrator shall review each application for completeness and approvability no later than February 16, 2018.

- d) If the Zoning Administrator determines an application is not complete or approvable he/she shall provide a written communication to the Applicant describing the reasons no later than February 23, 2018.
 - e) An Applicant that receives a written communication from the Zoning Administrator because the Applicant's application was not complete or approvable shall have the opportunity to correct its application. Corrected applications shall be delivered to Acme Township either by hand no later or post marked no later than March 9, 2018.
 - f) Beginning no later than March 16, 2018, the Zoning Administrator shall first create five groups of applications determined by the Medical Marijuana Facility License each application seeks. The Zoning Administrator shall then separate each of the five groups into applications seeking 1) approval in the Agricultural District 2) approval in the B-4 District Material Processing and Warehousing, and 3) approval in the US-31 / M-72 Business District.
 - g) The Zoning Administrator shall assign a number to each application found in each created group which in this case shall be:
 - a. Agricultural – Grower
 - b. Agricultural – Processor
 - c. B-4 – Grower
 - d. B-4 – Provisioning Center
 - e. B-4 – Processor
 - f. B-4 – Secure Transporter
 - g. B-4 – Safety Compliance Facility
 - h. Business District – Provisioning Center
 - h) On March 23, 2018, the Zoning Administrator shall hold a separate drawing for each of the groups. The Zoning Administrator shall place the first group's numbers in a hat and proceed to draw each number, recording the order of drawing, until no numbers remain. The same drawing shall be made for each group.
 - i) The first drawn in each group shall be granted a license upon confirmation by the Zoning Administrator that Applicant's application was complete and approvable. Each subsequently drawn application will be granted the same until the maximum number of the respective facility allowed in the zoning district is reached.
 - j) Those applications drawn but not granted a license shall remain in the drawn order for later opportunity to receive a license if those applicant's granted licenses withdraw or have their licenses revoked through October 31, 2019.
 - k) All licenses issued in the initial licensing procedure shall be valid through December 31, 2019.
- 2) Regular Licensing Procedure.
- The Regular Licensing Procedure shall be as follows:
- a) Applicants shall submit a separate completed application pursuant to the requirements set out above for each license the Applicant seeks.
 - b) Applications for the following year shall be delivered to Acme Township either by hand no later or post marked no later than November 1st or the first business day thereafter.
 - c) The Zoning Administrator shall review each application for completeness and approvability no later than November 14th or the first business day thereafter.

- d) If the Zoning Administrator determines an application is not complete or approvable he/she shall provide a written communication to the Applicant describing the reasons no later than November 21st or the first business day thereafter.
- e) An Applicant that receives a written communication from the Zoning Administrator because the Applicant's application was not complete or approvable shall have the opportunity to correct its application. Corrected applications shall be delivered to Acme Township either by hand no later or post marked no later than December 7th or the first business day thereafter.
- f) Beginning no later than December 14th, or the first business day thereafter, the Zoning Administrator shall first create five groups of applications determined by the Medical Marihuana Facility License each application seeks. The Zoning Administrator shall then separate each of the five groups into applications seeking approval in each of the zoning districts in which they are allowed at the time.
- g) The Zoning Administrator shall assign a number to each application found in each created group.
- h) No later than December 21st, or the first business day thereafter, the Zoning Administrator shall hold a separate drawing for each of the groups. The Zoning Administrator shall place the first group's numbers in a hat and proceed to draw each number, recording the order of drawing, until no numbers remain. The same drawing shall be made for each group.
- i) The first drawn in each group shall be granted a license upon confirmation by the Zoning Administrator that Applicant's application was complete and approvable. Each subsequently drawn application will be granted the same until the maximum number of the respective facility allowed in the zoning district is reached.
- j) Those applications drawn but not granted a license shall remain in the drawn order for later opportunity to receive a license if those applicant's granted licenses withdraw or have their licenses revoked.
- k) All licenses issued shall be valid through the following calendar year.

14. Amendment to License

The same procedures for application and issuance of a new License shall apply to amendment of an existing License, subject also to the following:

- 1) The Licensee shall submit an amended application with full supporting documentation, and must meet all requirements, and shall be processed in the same manner as provided for the issuance of a new License.
- 2) An amended application shall be required when there is a change in any information the applicant was required to provide in the most recent application on file.
- 3) An application to change the location of an existing License shall require a new application, with full supporting documentation, must meet all requirements, and shall be processed in the same manner as provided for the issuance of a new License.

15. Renewal of License

The renewal of an existing License shall be by the following procedures:

- 1) An application for renewal must be submitted no sooner than ninety (90) days before the expiration date and no later than sixty (60) days before the expiration date.
- 2) A Licensee intending to operate in the same manner and degree as approved in its current license may submit a sworn certification that it will continue to operate in the same manner

and degree, has a current and valid state license, and that no changes have occurred as indicated on the original application. If the Licensee has not violated its existing license then the renewal application shall be granted.

- 3) A Medical Marihuana Grower intending to operate in the same manner and degree as approved in its current license, except that it desires to modify the class under which it is licensed, may submit a sworn certification that it will continue to operate in the same manner and degree, has a current and valid state license, and that no changes have occurred as indicated on the original application, and provide the class under which it seeks its license. If the Licensee has not violated its existing license then the renewal application shall be granted.
- 4) A Licensee that has violated its existing license in any way shall submit a complete new Application pursuant to the same procedures for application and issuance of a new License.

16. License Revocation

- 1) A License issued under this ordinance shall be revoked for any of the following violations:
 - a. Any person required to be named on the application for the License is convicted of or found responsible for violation of any provision of this ordinance;
 - b. The application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided Acme Township with any other false or misleading information;
 - c. Marihuana is transferred or otherwise distributed on the premises in violation of this ordinance or any other applicable state or local law, rule or regulation;
 - d. The Facility is operated or is operating in violation of the specifications of the License, or any additional applicable conditions or approvals from Acme Township, Grand Traverse County, or the State of Michigan.
- 2) The procedure for revocation shall be as follows:
 - a. The Zoning Administrator shall issue a notice to the Licensee, in writing through certified mail, that the Township intends to revoke the License.
 - b. The Licensee may request a hearing before the Township Board to show cause as to why the License should not be revoked within fourteen (14) days of service of the notice.
 - c. If a hearing is timely requested, then the Zoning Administrator shall inform the Licensee, and Township Board of the time and place of the hearing.
 - d. The Licensee may present evidence and reasons arguing why the License should not be revoked. The Township Board shall review and either revoke the License or allow the License to continue.

17. Revocation Not Exclusive Penalty

Nothing in this ordinance shall be deemed to prohibit Acme Township from imposing other penalties authorized by this code or other ordinances, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

18. Civil Infraction

Any person, firm, or corporation who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth

herein, along with costs which may include all expenses, direct or indirect, which the Township incurs in connection with the municipal civil infraction. A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this ordinance. The Acme Township Zoning Administrator may issue appearance ticket citations for violations of this ordinance. The provisions of this ordinance may also be enforced by suit for injunctive relief.

19. Civil Fines for Municipal Infractions

Civil fines for municipal civil infractions under this ordinance shall be assessed in accordance with the following schedule:

	Fine
1 st violation within a 3-year period	\$ 500.00
2 nd violation within a 3-year period	\$1000.00
3 rd and subsequent violations within a 3-year period	\$2000.00

20. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.