

**Beaverton Township
Gladwin County, Michigan
Ordinance Authorizing and Permitting
Commercial Marijuana Facilities
Ordinance No. 2017-01 Adopted September 11, 2017**

SECTION 1.1 PURPOSE

- A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Marijuana Facilities in the Township of Beaverton and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marijuana facilities in Beaverton Township through the imposition of annual, nonrefundable licensing fees of not more than \$5,000.00 on each Commercial Marijuana Facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, MCL 333.26421 et seq. As amended; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq. and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec 801 et seq., which makes it unlawful to manufacture, distribute or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

SECTION 1.2 DEFINITIONS

- A. Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marijuana Act.
- B. Any term defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marijuana Facilities Licensing Act.
- C. Any term defined by the Marijuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marijuana Tracking Act.

"Affiliate" means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

"Application" means an application for a permit under this ordinance and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the **"applicant."**

"Commercial Marijuana Facility", "Marihuana Facility" or "Facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Department" means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Marijuana Facility.

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

"Licensee" means a person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Marihuana" or "Marijuana" means that the term as defined in the Public Health Code. MCL 333.1101 et seq.; the Medical Marihuana Act MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracing MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable. See Marihuana plant.

"Marihuana plant" means any plant of the species Cannabis sativa L.

"Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

"Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

"Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

"Permit" means a current and valid permit for a Commercial Marijuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premises and a specific permitted property.

"Permit Holder" means the person that holds a current and valid permit under this ordinance.

"Permitted Premises" Means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

"Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, other legal entity or any joint venture for a common purpose.

"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.

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's' registered primary caregiver. 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, 333.26421 et, seq., is not a provisioning center for purposes of this act.

"Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

"Registered qualifying patient" means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

"Registry identification card" means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

"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.

"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.

"State operating license" or, unless the context requires a different meaning, **"license"** means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Township" means Beaverton Township, a general law township located in Gladwin County, Michigan.

SECTION 1.3 AUTHORIZATION OF FACILITIES AND FEES

A. The maximum number of each type of Commercial Marijuana Facility located in The Township of Beaverton is set as follows at the time of adoption, but will be reviewed annually or as determined to be advisable at the discretion of the Beaverton Township Board of Trustees. The review and its findings shall be recorded in the minutes of the relevant meeting of the Beaverton Township Board.

Type of Facility	Number Allowed
Grower Type A (Up to 500 plants)	3

Grower Type B (Up To 1,000 plants)	3
Grower Type C (Up to 1,500 plants)	3
Secure Transporter	3
Processor	2
Safety Compliance Facility	1
Provisioning Center	2

- B. A non-refundable local permitting fee shall be paid annually to the Township of Beaverton by each Commercial Marijuana Facility licensed under this ordinance of no more than \$5,000 as set by resolution of the Beaverton Township Board of Trustee's. (\$5,000 by resolution)

SECTION 1.4 ZONING DISTRICTS BY LICENSE TYPE

- A. A marihuana grower, licensed under the State of Michigan's Medical Marihuana Licensing Act MCL 333.27101 et seq. Product can be grown only in the Residential & Farming (R-F) w/ 1 acre or more or Industrial (I-1) Districts.
- B. A marihuana processor, licensed under the State of Michigan's Marihuana Licensing Act MCL 333.27101 et.seq. Processing can be done only in the Residential & Farming (R-F) w/ 1 acre or more, Industrial (I-1), Local Business (B-1) or General Business (B-2) Districts.
- C. A marihuana provisioning center, licensed under the State of Michigan's Medical Marihuana Licensing Act MCL 333.27101 et. seq. Product can be sold only in the Local Business (B-1), General Business (B-2) or Industrial (I-1) Districts.
- D. A medical Marihuana Secure transporter licensed under the State of Michigan's Medical Marihuana Licensing Act MCL 333.27101 et. seq. A secure transporter's facility shall be located only in the Residential & Farming (R-F) w/ 1 acre or more, Industrial (I-1), Local Business (B-1) or General Business (B-2) Districts.
- E. A licensed medical marihuana Safety compliance facility licensed under the State of Michigan's Medical Licensing Act MCL 333.27101 et. seq. A Safety compliance facility shall be located only in the Residential & Farming (R-F) w/ 1 acre or more, Industrial (I-1), Local Business (B-1) or General Business (B-2) Districts.

SECTION 1.5 GENERAL REQUIREMENTS

- A. No person shall operate a Commercial Marijuana Facility in the Township of Beaverton without a valid Marijuana facility permit issued by the Township of Beaverton and shall operate pursuant to the provisions of this ordinance.
- B. 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.

- C. At the time of application, each Applicant shall pay a non-refundable application fee to defray the costs incurred by the Township as set by resolution of the Beaverton Township Board of Trustee's, not to exceed any limitations imposed by Michigan Law.
- D. A new or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the applicant or permit holder, and shall remain valid only until the November 15th immediately following its approval. A completed application or renewal application must be received by the Township Clerk or deputy no later than September 15th of each year in order to grant or renew the permit effective on November 15th of that year.
- E. Each year, any pending applications for renewal of existing permits shall be reviewed and granted or denied before applications for new permits are considered.
- F. It is the sole and exclusive responsibility of each current or prospective permit holder to at all times during its' operation or application period, immediately provide Beaverton Township with all material changes in any information previously provided that may materially affect any state or local permit.
- G. No permit issued under this ordinance may be assigned or transferred to any person unless the assignee or transferee has submitted an application, fees and documentation required under this ordinance and has been granted a local permit by Beaverton Township. No permit issued under this ordinance is transferable to any other location other than the permitted premises on the permitted property.
- H. The original local permit issued under this ordinance shall be prominently displayed in the facility in a location where it can be readily viewed by the public, law enforcement or administrative officials at all times.
- I. 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, unannounced examinations of their facility and all articles of property therein at any time to insure compliance with this ordinance, the permit or local and state regulations.
- J. A permit holder may not engage in any other marijuana facility on the permitted property or premises without first obtaining a separate local permit.
- K. No permit shall be granted or renewed for a Commercial Marijuana Facility in a residence, building or area not specifically zoned for that purpose.
- L. Receiving and maintaining a valid Marijuana Facility license issued by the State of Michigan is a condition for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any marijuana facility.

SECTION 1.6 APPLICATION FOR PERMITS

- A. An application for a permit to operate a Commercial Marijuana Facility must be on a form provided by Beaverton Township and shall be submitted to the Township Clerk or deputy along with the following information:
 - 1. The name, address, phone number and email address of the applicant/s and the type of proposed commercial marijuana facility.
 - 2. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the proposed commercial marijuana facility.
 - 3. One copy each of the following:
 - a) Documentation showing the applicant's valid tenancy, ownership or other legal interest in the property and premises propose to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement

from the owner of such property, authorizing its' use for a commercial marijuana facility.

- b) If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing.
- c) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed facility.
- d) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
- e) Application for a sign permit, if a sign is being proposed.
- f) The non-refundable application fee as set by the Beaverton Township Board.
(\$500.00)
- g) A business operations plan for the proposed facility, including but not limited to, the following:
 - I. A description of the type of facility proposed and the anticipated or actual number of employees.
 - II. A security plan meeting the requirements of this ordinance and the State of Michigan.
 - III. A description by category of all products to be sold.
 - IV. Material Safety Data Sheets for all nutrients, pesticides and other chemicals to be used in the facility.
 - V. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside the proposed facility.
 - VI. A plan for disposal of marijuana and related byproducts that will be used at the proposed facility.
- h) Whether any applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
- i) A site plan of the proposed property and an interior floor plan of the proposed premises for the facility as required by the zoning ordinance.
- j) Information regarding any other Commercial Marijuana Facility that the applicant is currently authorized to operate in any other jurisdiction within Michigan, another state or country and the applicant's involvement in each facility.
- k) Application for Special Use Permit to be issued by the Gladwin County Planning Commission

- I) Application for Site Plan review to be issued by the Gladwin County Planning Commission
4. Any other reasonable information requested by Beaverton Township that is considered to be relevant to the processing or consideration of the application.
 5. Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure (FOIA) under state law.
- B. Upon receipt of the application and accompanying documentation, the Beaverton Township Clerk or deputy shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Clerk or deputy shall act to process an application not later than fourteen business days from the date the application was accepted. If the application is deemed complete, the Clerk or deputy shall forward all information to the County Zoning Administrator and establish a date for public hearing and Planning Commission review.
- C. A provisional application means only that the applicant has submitted a valid application for a Commercial Marijuana Facility Permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township. The permits and approvals required include but are not limited to:
1. Special Use Permit as issued by the Gladwin County Planning Commission
 2. Site Plan approval from the Gladwin County Planning Commission
- D. Within 10 business days of the planning commission's approval of the applicant's Site Plan, Special Use Permit and Commercial Marijuana Facility Permit and payment of the annual non-refundable local permitting fee, (\$5,000) the Beaverton Township Clerk or deputy shall issue the Commercial Marijuana Facility Permit in order of the previously assigned sequential application number.
- E. An application is valid for one year from the processing date issued by the Township Clerk or deputy. If all permits and approvals are not received in that time frame, the application shall be null and void.

SECTION 1.7 PERMIT RENEWAL

- A. A commercial marijuana facility permit shall expire the November 15 following final approval unless renewed by the Beaverton Township Board of Trustees and is valid until that date unless revoked as provided by law.
- B. A valid Commercial Marijuana Facility Permit may be renewed on an annual basis by submitting a renewal application form provided by Beaverton Township and payment of the annual local permit fee. Renewal applications must be filed at least 60 days prior to the expiration of the facility's permit or 90 days prior for changes of location. Beaverton Township will not accept renewal applications and permit forfeiture will result after the expiration date.

SECTION 1.8 APPLICABILITY

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Commercial Marijuana Facility were established without authorization before the effective date of this ordinance.

SECTION 1.9 PENALTIES AND ENFORCEMENT

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500.00, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B. A violation of this ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, Beaverton Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this ordinance.
- C. This ordinance shall be enforced and administered by the Township Supervisor or such other Beaverton Township or Gladwin County official as may be designated from time to time by resolution of the Beaverton Township Board of Trustees.

SECTION 1.10 SEVERABILITY

In the event any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

SECTION 1.11 OPERATIONAL REQUIREMENTS

- A. A Commercial Marijuana Facility issued under this ordinance and operating in Beaverton 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 deems reasonable.
- B. **Scope of Operation.** Commercial Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building and health departments. The Facility must hold a valid local Permit and State Commercial Marijuana Facility license for the type of Facility intended to be carried out on the permitted property. The Facility owner, Operator or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
- C. **Location.** Each Commercial Marijuana Facility shall be operated only from the permitted premises on the permitted property. No Commercial 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 marijuana.
- D. **Age Restriction.** No person under the age of eighteen (18) shall be allowed to enter into a Commercial Marijuana Facility.
- E. **Security.** Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
 - 1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility;
 - 2. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - 3. A locking safe permanently affixed to the permitted premises that shall store all usable marijuana and cash remaining in the Facility overnight;

4. All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, displayed or dispensed outside the facility; and
 5. All security recordings and documentation shall be preserved for at least 48 hours by the permit holder and made available to any law enforcement upon request for inspection.
- F. **Sale of Marijuana.** Marijuana and marijuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.
- G. **Sign Restrictions.** No pictures, photographs, drawings or other depictions of Marijuana or Marijuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible from outside of the Permitted Premises on the Permitted Property. The word "Marijuana" shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
- H. **Use of Marijuana.** The sale, consumption or use of alcohol or tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the permitted property is prohibited.
- I. **Outdoor Growing.** Growth and Cultivation of Marijuana outdoors is permitted provided the visibility, minimum lot size and setback requirements are met as provided in Special Land Use Standards of the zoning ordinance.
- J. **Indoor Operation.** All activities of Commercial Marijuana Facilities, including without limitation, distribution, indoor growth, indoor cultivation, processing, or the sale or transfer of marijuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facilities operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility.
- K. **Unpermitted Growing.** Only the entity named in a permit may grow at a commercial Marijuana grow facility.
- L. **Additional Conditions.** The Beaverton Township Board may impose such reasonable terms and conditions on a Commercial Marijuana 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 12. EFFECTIVE DATE

This Ordinance shall take effect upon final approval of the relevant amendments to the Gladwin County Zoning Ordinance.

**Beaverton Township
Proposed Zoning Amendments for Medical Marijuana
Adopted September 11, 2017**

Chapter 2 Definition Additions

- A. **"Affiliate"** means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

"Commercial Marijuana Facility", "Marihuana Facility" or "Facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

"Licensee" means a person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Marihuana" or "Marijuana" means that the term as defined in the Public Health Code. MCL 333.1101 et seq.; the Medical Marihuana Act MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracing MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable.

"Marihuana plant" means any plant of the species *Cannabis sativa* L.

"Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

"Michigan medical marihuana act" means the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

"Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, other legal entity or any joint venture for a common purpose.

"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.

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's' registered primary caregivers. 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, 333.26421 et, seq., is not a provisioning center for purposes of this act.

"Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

"Registered qualifying patient" means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

"Registry identification card" means that term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

"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.

"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.

"State operating license" or, unless the context requires a different meaning, **"license"** means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

Chapter 3, Section 3.5? - Zoning Districts Add the following uses:

1. Residential & Farming (R-F) District w/ 1 acre or more: (White on zoning map)
Special Permit Uses
 - Commercial marijuana grower
 - Commercial marijuana processor
 - Commercial marijuana secure transporter
 - Commercial marijuana safety compliance facility
2. Local Business (B-1) District: (Red on zoning map)
Special Permit Uses
 - Commercial marijuana provisioning center
 - Commercial marijuana processor
 - Commercial marijuana secure transporter
 - Commercial marijuana safety compliance facility

3. General Business (B-2) District (Blue on zoning map)

Special Permit Uses

- Commercial marijuana provisioning center
- Commercial marijuana processor
- Commercial marijuana secure transporter
- Commercial marijuana safety compliance facility

4. Industrial (I-1) District:

Special Permit Uses

- Commercial marijuana grower
- Commercial marijuana processor
- Commercial marijuana secure transporter
- Commercial marijuana safety compliance facility

- Commercial marijuana provisioning center

Chapter 7? Special Land Use Permit Standards

SPECIAL LAND USE PERMIT STANDARDS

A. A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of State law, may be permitted in Beaverton Township through the issuance of a special land use permit pursuant to Chapter 7 of the Gladwin County Zoning Ordinance, in the specified zones, provided that:

1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Beaverton Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Beaverton Township shall suspend the acceptance of applications for special land use permits pending the resolutions of the legal issue in question.
2. At the time of application for the special land use permit, the marijuana facility must be in the licensing process with the State of Michigan, and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marijuana Act, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marijuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
3. At the time of application for a special land use permit (SLUP), the marijuana facility must have the Beaverton Township permit application concurrently in process with the special land use permit and site plan approval, and then must be at all times in compliance with the Beaverton Township Ordinance Authorizing and Permitting Commercial Marijuana Facilities and the Gladwin County Zoning Ordinance.
4. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may NOT be permitted as a home

occupations or accessory use nor may they include accessory uses, except as otherwise provided in this ordinance.

5. Signage requirement for marijuana facilities, unless otherwise specified, are as provided in Chapter 6 of the Gladwin County Zoning Ordinance.
 6. Buffer Zone. A marijuana facility shall not be located within 200 feet of the real property comprising or used by an educational institution or school, college or university, church, house of worship or other religious facility, licensed child care center or preschool, public library, public or private youth activity facility, public or private park, or a residentially zoned property with the minimum distances between uses measured horizontally between the nearest property lines.
 7. Security – Medical Marijuana permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
 - a) Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility;
 - b) Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c) A locking safe permanently affixed to the permitted premises that shall store all Marijuana and cash remaining in the Facility overnight;
 - d) All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, displayed or dispensed outside the facility;
 - e) All security recordings and documentation shall be preserved for at least 48 hours by the permit holder and made available to any law enforcement upon request for inspection..
- B. Outdoor marijuana growers shall be subject to the following standards:
1. The minimum front, rear and side yard setbacks for the growing and cultivation of marijuana plants outdoors shall be 100 feet from the lot line.
 2. Marijuana plants must be surrounded by a chain link fence at least 8 feet in height.
 3. Marijuana plants shall not be visible from the road or adjacent properties.
 4. No artificial light is permitted except as required for parking.
- C. Indoor Marijuana growers and marijuana processors shall be subject to the following standards:
1. Indoor Production and Processing. Marijuana production shall be located entirely within one or more completely enclosed buildings.
 2. Lighting. Light cast by light fixtures inside any building used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 3. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a) 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.
 - b) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- d) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

C. Marijuana Processors shall be subject to the following standards:

1. Marijuana processing shall be located entirely within one or more completely enclosed buildings. All activities of a marijuana processor, including all transfers of marijuana, shall be conducted indoors and out of public view.
2. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
 - a) 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.
 - b) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

D. Marijuana Provisioning Centers shall be subject to the following standards:

1. Hours of Operation - A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 8:00 p.m., if so required by the State of Michigan.
2. Indoor activities - All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window.
3. Other Activities - Marijuana, alcohol or tobacco products shall not be smoked, ingested, or otherwise be consumed on the permitted property occupied by the provisioning center.
4. Physical Appearance - The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area. The exterior shall be maintained as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
5. Odor - As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.

- a) 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.
 - b) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- D. Marijuana Safety Compliance Facilities shall be subject to the following standards:
- 1. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
 - 2. Odor - As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - a) 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.
 - b) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - d) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- E. Marijuana Secure Transport Facilities shall be subject to the following standards:
- 1. No vehicle may be used for the ongoing or continuous storage of marijuana, but may only be used incidental to, and in furtherance of, the transportation of marijuana.
 - 2. Vehicles used for the transport of marijuana must be stored indoors when not in use.
- F. Additional Conditions. The Gladwin County Planning Commission may impose such reasonable terms and conditions on a Commercial Marijuana 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.

SPECIAL LAND USE PERMIT REQUIREMENTS

- A. In addition to the items to be provided for a Special Use Permit according to Section 8.5, the applicant shall also provide a business operations plan that includes the following:
1. A description of the type of facility proposed and the anticipated or actual number of employees.
 2. A security plan meeting the requirements of this ordinance and the State of Michigan.
 3. A description by category of all products to be sold.
 4. Material Safety Data Sheets for all nutrients, pesticides and other chemicals to be used in the facility.
 5. A description and plan of all equipment and methods that will be employed to minimize any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside the proposed facility.
 6. A plan for disposal of marijuana and related byproducts that will be used at the proposed facility.