

**Michigan Medical Marijuana Ordinance**  
**September 12, 2017**

**DeTour Township, Michigan**  
**260 Superior St.**  
**Ordinance #2017-9-10**

*In accordance with the General Township Act, herein is an Ordinance for DeTour Township to allow and regulate Medical Marijuana Grow Operations, Processing Facilities, Safety Compliance Facilities, and Secure Transporters by an Operating License in Detour Township and to prohibit Medical Marijuana Provisioning Centers throughout the Township.*

**The DeTour Township Board on September 12, 2017 hereby ordains:**

**SECTION 1.**

**9.10.2017-1 Definitions,**

*“Medical Marijuana Grow Operation: A commercial facility licensed under Public Act 281 of 2016 that cultivates, dries, trims, or cures marijuana for sale to a processor or provisioning center. An Operation may grow the legally allowable number of plants on the premises of any marijuana grow facility. The following is a description of the maximum allowable plants per license. The Township reserves the right to fill all, partial and/or none of the allowable Operating Licenses.*

**A Grower- 500 plants- (1) license allowable**

**B Grower- 1000 plants- (1) license allowable**

**C Grower- 1500 plants- (3) licenses allowable**

*Medical Marijuana Processing Facility: A commercial facility licensed under Public Act 281 of 2016 that purchases marijuana from a licensed grow operation and extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center. The following is the maximum allowable licenses. The Township reserves the right to fill all, partial and/or none of the allowable licenses.*

**Processor- (2) license allowable**

*Medical Marijuana Safety Compliance Facility: A commercial facility licensed under Public Act 281 of 2016 that receives marijuana from a licensed grow operation, licensed processing facility, or licensed caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility. The following is the maximum allowable licenses. The Township reserves the right to fill all, partial and/or none of the allowable licenses.*

**Safety Facility- (2) license allowable**

**Medical Marijuana Secure Transporter:** A commercial facility licensed under Public Act 281 of 2016 that stores marijuana and transports marijuana between marijuana facilities for a fee. The following is the maximum allowable licenses. The Township reserves the right to fill all, partial and/or none of the allowable licenses.

**Secure Transporting- (2) license allowable**

**Medical Marijuana Provisioning Center:** A commercial facility licensed under Public Act 281 of 2016 that purchases marijuana from a licensed grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly, or through the patients' registered primary caregivers. The term "provisioning center" shall include any commercial property where marijuana 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 marijuana registration process in accordance with the Michigan Medical Marijuana Act is not a provisioning center for purposes of this Ordinance."

**Provisioning Centers- (0) licenses allowable**

**SECTION 2.**

**Section 9.10.2017-2 Location, and Schedule of Regulations –**

The location is defined as follows: The Township of DeTour. A facility(s) of the allowable licensees as described in Section 1 may operate a MMMA licensed establishment within the Township and must apply for an Operating License issued by the Township Clerk. All MMMA laws, regulations and conditions within this Ordinance are applicable and inclusive in the Operating License Agreement. The following conditions apply to the allowable licenses within DeTour Township:

- Any grow operation with or without a processing facility shall have a minimum of 40 acres of land as a single location. Not an accumulation of separate parcels that would equal 40 acres or more.
- Any structures erected on the property and/or open fenced in areas shall be no closer than 400 feet from the property lines in all directions.
- The property and any or all structures shall not display any signage or description of the operations that can be viewed by the public.

**SECTION 3.**

**9.10.2017-3 Uses for Medical Marijuana businesses reads as follows:**

Medical Marijuana Uses, as listed above, provided that they are licensed by the State of Michigan under Public Act 281 of 2016 and that the standards of this Ordinance are met.

- a) Medical Marijuana Grow Operation
- b) Medical Marijuana Processing Facilities
- c) Medical Marijuana Safety Compliance Facilities
- d) Medical Marijuana Secure Transporters

**SECTION 4.**

**9.10.2017-4 Medical Marijuana Facilities**

**Uses Authorized:**

A) Pursuant to Section 205(1) of Public Act 281 of 2016, the Township authorizes the following state-licensed medical marijuana facilities for operation within the municipality: Growers, Processors, Safety

*Compliance Facilities, and Secure Transporters. An Operating License may be granted for the following Medical Marijuana Uses, if they are located in DeTour Township:*

- 1) Medical Marijuana Grow Operations*
- 2) Medical Marijuana Processing Facilities*
- 3) Medical Marijuana Safety Compliance Facilities*
- 4) Medical Marijuana Secure Transporters*

*B) Medical Marijuana Provisioning Centers shall be **prohibited** in DeTour Township.*

*C) All Operating Licenses granted to the Medical Marijuana Uses listed above shall be conditioned on the licensing of the facility by the State of Michigan. Facilities must meet all MMMA State requirements, including but not limited to those of LARA and the MDEQ. Facilities must maintain an active license from the State of Michigan under Public Act 281 of 2016 at all times in order to operate.*

*D) The following shall apply to Grow Operations, Processing Facilities, and Safety Compliance Facilities:*

*1) All facilities must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants discharged into the well and/or septic system(s). The facilities shall follow the Food Safety Management Act (FSMA) as it relates to Good Agricultural Practices (GAP) and Good Handling Practices (GHP) defined in the FSMA guidelines.*

*2) All facilities must be designed to minimize odors emanating from the marijuana plants.*

*3) All facilities must maintain a secure, closed, clean environment in the room where marijuana is to be stored, grown, processed, or tested, in order to prevent outside contamination and prevent the inadvertent and/or unauthorized removal of marijuana from the facility. All facilities must provide shower and locker room facilities for employees to ensure the provision of a clean environment. All activities of a medical marijuana processing center, medical marijuana provisioning center, or medical marijuana safety compliance facility shall be conducted indoors and/or a secure greenhouse structure.*

*4) All facilities must have adequate security to prevent access to the marijuana by non-authorized personnel, including unauthorized removal. All rooms that contain marijuana, in any form, must be individually locked and accessible only to authorized personal.*

*5) All drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.*

*6) All facilities must be in compliance with the standards of this Ordinance, including but not limited to the standards in Section 4, at all times.*

*7) Butane and butane type products are **prohibited** when used in the processing of the marijuana plant.*

*8) Any outside growing facilities shall be kept in a secure area within the boundaries described above with a minimum of 12 foot high opaque lockable fencing monitored 24 hours a day by security cameras. A secure server or other digital storage device shall retain the 24 hour a day surveillance records for 90 days. A site plan detailing the security measures for outside growing shall be submitted to and approved by the Township Board and presented to the Township representative for submission prior to erecting.*

*The Township reserves the right to require additional security measures and/or may reject any unapproved outside grow facilities and structures based on inadequate security.*

*E) The following shall apply to Secure Transporters:*

*1) All facilities, vehicles, and processes must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.*

*2) All facilities, vehicles, and processes must be designed to minimize odors emanating from the marijuana plants.*

*3) All operations must have processes in place to prevent the contamination or pollination of the marijuana during the loading and unloading process.*

*4) All facilities, vehicles, and processes must have adequate security to prevent access to the marijuana by non-authorized personnel, including unauthorized removal. All marijuana must be stored in hermetically sealed containers prior to transport.*

*5) All operations must be in compliance with the standards of this Ordinance, including but not limited to the standards in Section 4, at all times.*

*F) If approved for operation in the Township, and after payment of a fee to be determined by the Township Board, Medical Marijuana Facilities shall be issued an Operating License. The Operating License must be renewed annually, through the payment of a fee to be determined by the Township Board and through compliance with the requirements of the State of Michigan and this Ordinance as demonstrated through an inspection by the Building Official or his or her designee. The Operating License and State Medical Marijuana Facility License must be displayed in plain view clearly visible to Township officials and Medical Marijuana Licensing Board authorized agents. All License Holders shall be subject to periodic inspection, and shall make their Facilities available to any and all authorized state and local building inspectors, environmental inspectors, Township representative and law enforcement personnel.*

*G) Within 30 days after Operating License approval, the Township shall provide the following to the Medical Marijuana Licensing Board:*

*1) A copy of this Ordinance*

*2) A copy of any regulations that apply to the Applicant Facility*

*3) A description of any violation of this Ordinance or applicable regulations committed by the applicant, but only if those violations related to activities licensed under Public Act 281 of 2016.*

*4) No person who has opened or operated a facility doing business or purporting to do business under this Section without first obtaining an Operating License in the Township and a State Operating License shall be eligible under this Ordinance.*

*H) Licensed medical marijuana patients or caregivers authorized by the State of Michigan under Initiated Law 1 of 2008 shall not be required to receive Operating License to conduct legal activities in the*

*Township, but must comply will all applicable Township ordinances, including those governing odor, and all applicable State MMMA laws.*

*l) An Operating License issued under this Section may be revoked by the Township Board for any of the following:*

- 1) Knowing fraudulent or material misrepresentation contained in the Application*
- 2) A pattern of knowing violations of this Section, after reasonable notice and opportunity to cure*
- 3) A loss after final determination of the State Medical Marihuana Licensing Board of the License Holder's State Medical Marihuana Facility License*
- 4) Failure or refusal to pay the Annual Operator's License Fee*

## **Section 5**

**9.10.2017-5**

### **Application Requirements:**

- (1) Application requirements for new Operating Licensee. An application for a new annual Operating License for a Medical Marihuana Establishment shall be submitted to the Township Clerk on a form provided by the Township for preliminary review by staff to confirm that the applicant has submitted a complete application, which shall fulfill all of the requirements indicated on the form, including but not limited to:
  - (a) If the Medical Marihuana Establishment commenced operation prior to passage of this ordinance in a different location and other than DeTour Township, proof of the date on which the medical marihuana provisioning center commenced operation shall be provided.*
  - (b) The name and address of the Medical Marihuana Establishment to be located in DeTour Township and any other contact information requested on the application form.*
  - (c) The name and address of all owners of the real property where the Medical Marihuana Establishment will be located.*
  - (d) Name, street address, and other contact information of all stakeholders of the Medical Marihuana Establishment and, if the applying entity is a sole proprietorship with an assumed name, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity the name, street address, and other contact information of all stakeholders, all of whom are considered collectively to be the applicant for the license.*
  - (e) Name and address of at least one designated general manager responsible for day-to-day operations.*
  - (f) A statement with respect to each person named on the application whether the person has:**

- (i) *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.*
- (ii) *The applicant has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years or has been convicted of a controlled substance-related felony within the past 10 years.*
- (iii) *Within the past 5 years the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.*
- (g) *A description of the type of marihuana facility; anticipated or actual number of employees.*
- (h) *Proof of applicant's ownership or legal possession of the premises.*
- (i) *Payment of a non-refundable application fee, which shall be determined by resolution of the Township Board. Any fees for zoning compliance permits and certificates of occupancy shall be separate from the application fee, but shall be paid pursuant to the same procedures as applied to applications for compliance permits and certificates of occupancy for other uses.*
- (j) *Any other information the Board requires by rule.*
- (2) *Renewal or amendment of existing licenses.*
  - (a) *The procedure for a renewal or amendment of an existing license shall be done in accordance with an expedited renewal or amended license application process to be determined by the Board.*
  - (b) *An application for renewal of an existing Operating license shall be submitted no sooner than 60 days before the existing license expires.*
  - (c) *If a license renewal application is not submitted by the license expiration date, the license may be renewed within 60 days after its expiration date upon application, payment of the required fees, and satisfaction of all the requirements for the issuance of a new license. The licensee may continue to operate during the 60 days after the license expiration date if the license renewal application was submitted prior to the expiration date.*
  - (d) *An amended application shall be submitted when there is a change in any information the applicant was required to provide in the most recent application on file with the Township.*
  - (e) *An application to amend an existing license to change the location of the medical marihuana establishment shall be submitted no later than 60 days before the existing license expires. An application to amend an existing license to change any other information on the most recent application on file with the Township may be submitted at*

- any time.
- (f) *Applications for renewal or amendment of existing licenses shall be reviewed and granted or denied before applications for new licenses are considered.*
- (3) *Operating License requirements. Following official confirmation by Township Clerk and/or the delegated Township representative that the applicant has submitted a complete application, a new license shall not be issued to a medical marihuana establishment until the applicant for the license complies with all of the following requirements:*
- (a) *The applicant has a valid and current temporary certificate of occupancy.*
  - (b) *The applicant has installed the following security measures on the premises in conjunction with Township guidelines and/or in addition to MMMA requirements as required by LARA:*
    - (i) *Security cameras to monitor all areas of the licensed premises where persons may gain or attempt to gain access to marihuana or cash. Recordings from security cameras shall be maintained for 3 months.*
    - (ii) *A safe for overnight storage of any processed marihuana and cash on the premises, with the safe being incorporated into the building structure or securely attached thereto.*
    - (iii) *A monitored alarm system.*
    - (iv) *Secured, lockable fencing of at least 10 feet tall around any greenhouse structure(s). A plan shall be submitted to the Township representative for final acceptance.*
    - (v) *A security system that includes a method for checking all employees for illegal possession and or removal of the marihuana product(s) prior to the operating work shift and upon the end of a working shift and before leaving the facility.*
  - (c) *The applicant has paid the non-refundable Operating license fee, as determined by resolution of the Township Board. Inspection fees shall be separate from the license fee, but shall be the same amount and shall be paid pursuant to the same procedures that apply to inspections for other uses.*
- (4) *Time period within which applicant must comply with license requirements. The applicant shall demonstrate compliance with all requirements for issuance of an Operating license by scheduling a final inspection to obtain a full certificate of occupancy, which shall occur within 8 weeks after the date of the Township staff's official confirmation that the application for a license was complete. If it is determined that not all license requirements are satisfied, then the applicant shall schedule another inspection, to occur within 30 calendar days, at which time all license requirements shall be complete. If all requirements are not complete, then the license shall be denied.*
- (5) *Disqualifying circumstances. An applicant is ineligible to receive an Operating license if any of the following circumstances exist:*
- (a) *The applicant has been convicted of or released from incarceration for a felony under the*

- laws of this state, any other state, or the United States within the past 10 years.*
- (b) Within the past 5 years the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a City or other local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.*
  - (c) The applicant has knowingly submitted an application for a license under this Chapter that contains false information.*
  - (d) The applicant fails to meet other criteria established by this Chapter or other rules.*
  - (e) The applicant was denied a license from the MMMA Board and/or LARA.*

**Section 6**

**9.10.2017-6**

**Conduct of business at a medical marihuana establishment.**

- (1) All marihuana in any form kept at the location of the medical marihuana Establishment shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.*
- (5) All security measures required in this chapter shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day and records of the surveillance for 90 days shall be available and obtainable by the Township representative upon request.*

**DeTour Township, Michigan**

**An Ordinance to add fees for Medical Marijuana Facility Licenses and Medical Marijuana Facility Annual Inspections/License Renewals**

**SECTION 7**

**9.10.2017-7**

**The DeTour Township Board hereby ordains:**

**The Village/Township to add the following fees:**

*Medical Marijuana Facility Operating License: \$5,000.00\**

*Medical Marijuana Facility Annual Inspection/Operating License Renewal: \$5,000.00 \**

*\*Note: the fees include the costs associated with:*

- administration of the licensing with the Clerk,*
- verification of the background check procedure with the State of Michigan, LARA*
- compliance with the Ordinance,*
- periodical on premise checks for compliance and security measures adherence,*



- *review with the facility and license holder from time to time to encourage a cooperative business relationship arrangement with the Township,*
- *Continual review of any new Laws, regulations, changes in existing laws as set by LARA and the MMMA of 2016,*
- *Costs for the Township Representative as agreed within an agreement implemented for the overview and management of the Ordinance.*

*\*All Operational License fees are non-refundable*