

**TOWNSHIP OF GIBSON  
BAY COUNTY**

**MEDICAL MARIHUANA FACILITIES ORDINANCE**

An ordinance enacted pursuant to the authority of Act 281 of the Public Acts of 2016.

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of medical marihuana facilities in the Township of Gibson, County of Bay, State of Michigan; to provide for the issuance of licenses and the collection of fees; and to provide penalties for the violation of said ordinance.

**The Township of Gibson, County of Bay, State of Michigan ordains:**

**SECTION I: TITLE**

This ordinance shall be known and cited as the Gibson Township Medical Marihuana Facilities Ordinance.

**SECTION II: PURPOSE**

The Michigan Legislature recently enacted the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL, 33.27101 et. Seq., which allows municipalities to adopt ordinances authorizing and regulating the operation of medical marihuana facilities within their jurisdictions. The purpose of this ordinance is to allow for the operation of medical marihuana facilities within the Gibson Township, and to protect the public health, safety and general welfare of Gibson Township residents by establishing reasonable regulations to the operation, control and management of medical marihuana facilities in Gibson Township.

**SECTION III: DEFINITIONS**

Act: The Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et. Seq.

Board: the board of Gibson Township.

Clerk: the clerk of Gibson Township.

Department: the Michigan Department of Licensing and Regulatory Affairs or its successor agency.

Grower: that term as defined in the Act.

Ordinance: this corpus and any amendments thereto.

Processor: that term as defined in the Act.

Provisioning Center: that term defined in the Act.

Safety Compliance Facility: that term as defined in the Act.

Secure Transporter: that term as defined in the Act.

Township: the township of Gibson.

## **SECTION IV: OPERATION WITHOUT A LICENSE PROHIBITED**

A. No person shall operate a medical marihuana facility without first obtaining a license to do so from the Clerk.

B. The term of each license shall be one year. The Board can establish, by resolution, an appropriate nonrefundable license fee, not to exceed five thousand dollars (\$5000.00), to help defray administrative costs associated with the operation of medical marihuana facilities in the Township. The Board may also establish, by resolution, a maximum number of licenses to be issued by the Clerk for each separate type of medical marihuana facility. Once the Township receives notification that a person has applied to operate a medical marihuana facility in the Township pursuant to the Act, the Township will forward a copy of the license and this Ordinance to the Medical Marihuana Licensing Board within 90 days. There is also a users fee for the inspections.

## **SECTION V: LICENSE APPLICATION SUBMISSION**

A. Application for a license shall be made in writing to the Clerk. All completed applications submitted to the Clerk shall be considered for issuance of a license.

B. An application for a license required by this Ordinance shall be made on forms provided by the Township, and shall contain all of the following:

1. The appropriate nonrefundable license fee in the amount set by the Board resolution.
2. If the applicant is an individual, the applicants name, date of birth, mailing address, email address, and one or more phone numbers.
3. If the applicant is an entity, the names, dates of birth, mailing addresses, email addresses, and one or more phone numbers of each stakeholder, including designation of a stakeholder as the primary contact person.
4. The name and physical address of the proposed medical marihuana facility.
5. Proof of ownership of the entire premises wherein the facility is to be operated or written consent from the property owner for the use of the premises for the medical marihuana facility along with a copy of the lease for the premises.

C. Nothing in this Ordinance shall be read as prohibiting an individual or entity from obtaining multiple licenses under this Ordinance. An individual or entity must apply for a license for each medical marihuana facility that the individual or entity intends to operate in the Township.

## **SECTION VI: LICENSE APPLICATION EVALUATION**

A. Upon receipt of a completed application meeting the requirements of this Ordinance and confirmation that the number of existing licenses does not exceed the maximum number, if any, the Clerk shall refer a copy of the application to each of the following for their approval: the Zoning Administrator and Building Inspector.

B. No application shall be approved unless: The Zoning Administrator and the Building Inspector confirm that the proposed location complies with this Ordinance and the Zoning Code. All proposed locations have to be inspected for compliance with all laws and ordinances.

C. If written approval is given by each individual or department, the Clerk shall issue a license to the applicant.

D. Issuance of a license under this Ordinance does not guarantee issuance of a license under the Act.

E. Licenses issued under this Ordinance may not be transferred without the approval of the Clerk. A change in the medical marihuana facility's location shall be deemed a transfer under this section. In order to receive approval for a transfer the licensee must apply in writing to the Clerk. The Clerk shall refer a copy of the application to the Zoning Administrator and the Building Inspector for their approval. If written approval is given by both individuals or departments then the Clerk shall approve the transfer.

## **SECTION VII: LICENSE RENEWAL APPLICATION**

Application for license renewal required by this Ordinance shall be made in writing at least thirty (30) days prior to the expiration of an existing license. An application for a license renewal made on a form provided by the Township, and shall contain all of the information required in Section V. An application shall be accompanied by a renewal fee in the amount established by Board resolution, not to exceed five thousand dollars (\$5000.00). Upon receipt of a completed application and renewal fee the Clerk will refer a copy of the renewal application to each of the following: the Zoning Administrator and the Building Inspector for their approval. If written approval is given by each individual or department the Clerk will issue a license renewal to the applicant.

## **SECTION VIII: LICENSES GENERALLY**

1. No Medical Marihuana facility shall permit a person under 18 years of age on its premises unless the person is: a qualifying patient who is registered with the Department or accompanied by a parent or legal guardian.

2. No consumption of marihuana shall be permitted on the premises of a medical marihuana facility and a sign shall be posted on the premises of each facility indicating the consumption is prohibited on the premises.
3. The license required by this Ordinance shall be prominently displayed on the premises of the facility.
4. A medical marihuana facility licensed under this Ordinance shall be subject to inspection by the Bay County Sheriff's Department at any time.

## **SECTION IX: GROWER, PROCESSOR, PROVISIONING CENTER AND SECURE TRANSPORTER**

1. A grower, processor, provisioning center and secure transporter shall be limited to the industrial and agricultural districts.
2. No grower, processor, provisioning center or secure transporter shall be located within one thousand (1000) feet of a public or private school.
3. A grower may operate twenty-four (24) hours a day, seven (7) days a week.

## **SECTION X: SIGNAGE**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or state law.
2. It shall be prohibited to use advertising material that is misleading, deceptive or false or that is designed to appeal to minors. No use of the symbol or image of a marihuana leaf in any exterior building signage.

## **SECTION XI: DENIAL AND REVOCATION**

1. A license application shall be denied if it does not meet the requirements of this Ordinance. A license issued under this ordinance may be revoked for violation of this ordinance. If a license is revoked the Clerk shall notify the Department of the revocation within seven( 7 ) days.

## **SECTION XII: PENALTIES**

Any person in violation of any provision of the ordinance or any provision of a license issued under this ordinance is guilty of a misdemeanor, punishable by a fine up to one thousand (\$1000.00) plus costs of prosecution, ninety (90) days imprisonment or both for each violation.

### **SECTION XIII: SEVERABILITY**

Nothing in this ordinance is intended to limit an individual's or entity's rights under the Michigan Medical Marihuana Act, 2008 1L, MCL,333.26421 et seq. or the Act. The Michigan Marihuana Act, the Act, or the rules promulgated thereunder supersede this ordinance where this is a conflict between them. This ordinance and various parts , sections and clauses thereof are hereby provided that the remainder of this ordinance shall not be affected thereby.

### **SECTION XIV: AMENDMENTS**

To SECTION II: All licensing fees and permits fees are all nonrefundable. Also at this time all facilities will be located on M-61 in the commercially zoned areas.