

TOWNSHIP OF BRIDGEWATER

ORDINANCE NO. 72

Medical Marijuana Facilities Ordinance

An ordinance to authorize and regulate the establishment of medical marijuana facilities in the Township of Bridgewater and to provide for penalties for violations thereof.

THE TOWNSHIP OF BRIDGEWATER ORDAINS:

Section 1. Purpose

- 1.1. It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities in the Township of Bridgewater 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 a marijuana facility in the Township through imposition of an annual, nonrefundable fee \$5,000.00 on each medical 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.
- 1.2. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; 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.
- 1.3. 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, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 2. Definitions

For the purposes of this ordinance:

- 2.1. 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.

- 2.2. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- 2.3. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- 2.4. "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. Growing facilities are not permitted in Bridgewater Township.
- 2.5. "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- 2.6. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- 2.7. "Marijuana 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., a marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a marijuana growers and marijuana provisioning centers, as those terms are defined in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; nor does it include or apply to "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- 2.8. Medical marijuana facilities permit" or "permit". A permit issued by the Township pursuant to the provisions of this ordinance.
- 2.9. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- 2.10. "Processor" means a licensee that is a commercial entity located in Michigan 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.
- 2.11. "Provisioning center" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' 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 in

accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article. Provisioning centers are not permitted in Bridgewater Township.

- 2.12. "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.
- 2.13. "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.
- 2.14. "Township" means the Township of Bridgewater

Section 3. Authorization of Facilities and Fee.

- 3.1. The maximum number of each type of marijuana facility allowed in the Township shall be as follows.

Facility	Number
Processor	[2]
Secure transporter	[2]
Safety compliance facility	[2]

- 3.2. At least every two (2) years after adoption of this ordinance, Board shall review the maximum number of each type of marijuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Board.
- 3.3. A nonrefundable fee shall be paid by each marijuana facility permitted under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the Township Board

Section 4. Requirements and Procedure for Issuing Permit

- 4.1. No person shall operate a marijuana facility in Township without first obtaining a valid marijuana facility permit issued by the Township pursuant to the provisions of this ordinance.
- 4.2. Every applicant for a permit to operate a medical marijuana facility shall file an application in the Township Clerk's office upon a form provided by the Township. The application shall contain any information required by the Act and the following information:
 - A. Name, address and telephone number of property owner of the land where the marijuana facility will conduct business

- B. Name, address and telephone number of the licensee.
 - C. If the property owner and licensee are not the same person, a document signed by the property owner authorizing the licensee to operate on the property owner's land.
 - D. Any other information deemed by the Township to be required for the consideration of a permit.
- 4.3. Every applicant for a permit to operate a marijuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- 4.4. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the Township Clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Township Clerk shall act to approve or deny an application not later than fourteen (14) days from the date the application was accepted. If approved, the Township Clerk shall issue the applicant a provisional permit.
- 4.5. A provisional permit means only that the applicant has submitted a valid application for a marijuana facility permit, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township. A provisional permit will lapse and be void if such permits and approvals are not diligently pursued to completion, but in any event no later than ninety (90) days after the provisional permit is issued.
- 4.6. Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the permit fee, the Township Board shall approve or deny the marijuana facility permit. If approved by the Township Board, the Township Clerk shall issue marijuana facility permits in order of the sequential application number previously assigned.
- 4.7. Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any marijuana facility.
- 4.8. A marijuana facility permit issued under this ordinance is not transferable.

Section 5. Regulations for Marijuana Facilities

All marijuana facilities permitted under this ordinance shall be subject to the following regulations:

- 5.1. *Lighting.* Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
- 5.2. *Odor.*
- A. All marijuana facilities shall include robust odor control features designed to mitigate anticipated odor impacts from the facility.
 - B. For all marijuana processing facilities within a warehouse-style building, activated carbon filtration or a system of equivalent or superior odor control shall be properly maintained and used to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - i. At a minimum, fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building, and the filters shall be rated for the applicable CFM.
 - ii. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed for ingress/egress.
 - iii. The Planning Commission may accept an alternative odor control system following review of a report from 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.
- 5.3. *Security.* Marijuana facilities shall be fully secured, subject to the following:
- A. Security measures shall include provisions for 24-hour on-site security personnel.
 - B. The marijuana facility operator shall maintain and use a system of security cameras directed to record only the subject zoning lot and building(s). Cameras shall not be directed to public rights-of-way, except as required to comply with State of Michigan licensing requirements.
- 5.4. *Hours of Operation.* Hours of operation for, shipping, receiving, and any other activities associated with a marijuana facility, other than outside of the period between 8:00am and 6:00pm, Monday through Friday shall be subject to Planning Commission approval.

Section 6. Permit Renewal

- 6.1. A marijuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- 6.2. A valid marijuana facility permit may be renewed on an annual basis by submitting a renewal application upon a form provided by the Township and payment of the annual permit fee. Application to renew a marijuana facility permit shall be filed at least thirty (30) days prior to the date of its expiration.

Section 7. Applicability

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

Section 8. Penalties and Enforcement.

- 8.1. 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 and costs as set forth in the Township of Bridgewater Civil Infractions Ordinance. 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.
- 8.2. In addition to being responsible for a civil infraction, the medical facility permit of any licensee who is found to be in violation of any of the provisions of this Ordinance shall be suspended until the violation is cured.
- 8.3. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- 8.4. This Ordinance shall be enforced and administered by the Township Zoning Official Department or such other Township official as may be designated from time to time by resolution of the Board

Section 9. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 10. Publication and Effective Date.

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Township of Bridgewater, which insertion shall

be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

AYES: Faust, Fromhart, McQueer, Oliver, Wharam
NAYS: None
ABSENT: None

Ordinance declared adopted on 1-Aug-19.

Laurie Fromhart
Township Supervisor for the
Township of Bridgewater

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Tom Wharam, the duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the township board of the Township of Bridgewater, Washtenaw County, Michigan on 1-Aug-19 and that it was published in the Manchester Mirror on 14-Aug-19.

Tom Wharam
Township Clerk for the
Township of Bridgewater