

**ORDINANCE NO. 18.58**

**An Ordinance to amend the Charter Township of Mount Morris Zoning Ordinance by adding section 18.58 which establishes the procedures for applying for and obtaining a Special Land Use Permit for operating as a Recreational Marihuana Retailer, a Recreational Marihuana Safety Compliance Facility, a Recreational Marihuana Secure Transporter, a Recreational Marihuana Processor, or a Recreational Marihuana Grower. It establishes the zoning and licensing requirements pursuant to the Charter Township of Mount Morris Zoning Ordinance for operating the aforementioned Recreational Marihuana Establishments and the penalties for any violations of this ordinance.**

**THE CHARTER TOWNSHIP OF MOUNT MORRIS HEREBY ORDAINS:**

That Chapter 18 of the Charter Township of Mount Morris Zoning Ordinance is hereby amended by adding section 18.58 which shall read as follows;

**Section 18.58 Recreational Marihuana Establishments**

**Article I – Statement of Purpose**

**1.01 Purpose:** The purpose of this Ordinance is to amend Article 18 of the Charter Township of Mount Morris Zoning Ordinance to;

- A. Regulate and control, but not exclude, the growing, consumption, distribution, delivery, and sale of recreational marihuana by and to those persons authorized to do so under the Michigan Regulation and Taxation of Marihuana Act 2018 IL 1 MCL 333.27953 to 333.27967 (MRTMA); and
- B. Provide safe access to recreational marihuana; and
- C. Protect the health, safety, and welfare of all residents of the township.

**Article II – Standards**

**2.01 Marihuana Retailer:** The construction and operation of a **Marihuana Retail Establishment** in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District**; **(C-3) Regional Commercial District**; and **(C-4) Service Commercial District**; **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District** after satisfying the performance evaluation criteria for an intensive commercial activity.

**2.02 Marihuana Grower:** The construction and operation of a **Marihuana Grow Establishment** is permitted only by special land use permit, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**

**2.03 Marihuana Processor:** The construction and operation of a **Marihuana Processing Establishment** is permitted only by special land use permit, granted in accordance with **Article 19 of the Charter Township of Mount Morris Zoning Ordinance** in the **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**

**2.04 Marihuana Safety Compliance Facility:** The construction and operation of a **Marihuana Safety Compliance Facility** in the Charter Township of Mt. Morris is permitted only by **Special Land Use Permit**, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District;** **(C-3) Regional Commercial District;** **(C-4) Service Commercial District;** **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**

**2.05 Marihuana Secure Transporter:** The construction and operation of a **Marihuana Secure Transport Establishment** in the Charter Township of Mt. Morris is permitted only by **Special Land Use Permit**, granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District;** **(C-3) Regional Commercial District;** **(C-4) Service Commercial District;** **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District.**

### **Article III - Definitions**

**3.01 Statutory Definitions:** The words and phrases used within have the same meaning as set forth in the (MRTMA) except as modified herein.

**3.02 Cultivate** means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

**3.03 Department** means the **Michigan Marijuana Regulatory Agency**, or its successor.

**3.04 Industrial Hemp** means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

**3.05** *Licensee* means;

A. an applicant who is issued a municipal operating license pursuant to this ordinance; and

B. an applicant who is issued a state operating license pursuant to the provisions of the MRTMA

**3.06** *Marihuana* means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

A. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;

B. industrial hemp; or

C. any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

**3.07** *Marihuana Accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

**3.08** *Marihuana Concentrate* means the resin extracted from any part of the plant of the genus cannabis.

**3.09** *Marihuana Establishment* under this ordinance means **only** a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana retailer, marihuana secure transporter.

**3.10** *Marihuana Grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

**3.11** *Marihuana-Infused Product* means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

**3.12 *Marihuana Processor*** means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

**3.13 *Marihuana Retailer*** means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**3.14 *Marihuana Secure Transporter*** means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

**3.15 *Marihuana Safety Compliance Facility*** means a facility licensed to test marihuana, including certification for potency and the presence of contaminants.

**3.16 *Municipal License*** means a license issued by the Township pursuant to the authority of the (MRTMA) and this ordinance that allows a person to operate a marihuana establishment in the Township.

**3.17 *Municipality*** means the Charter Township of Mount Morris.

**3.18 *Person*** means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

**3.19 *Process or Processing*** means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

**3.20 *State License*** means a license issued by the Department that allows a person to operate a marihuana establishment.

**3.21 *Unreasonably Impracticable*** means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

#### **Article IV - Procedure for Issuance of Special Land Use Permit:**

**4.01** The development and locational standards set forth herein will be used by the **Planning Commission** to determine if the application satisfies the conditions that are precedent to the approval of a **Special Land Use Permit**.

**4.02 Application for Permit:** An application for a permit must be completed by the Applicant in conformance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance**.

**4.03 Application Review:** The Planning Commission must;

- A. Review the application for the **Special Land Use Permit**; and
- B. Review the application for a License; and
- C. Hold a public hearing to determine whether the use as set forth and described in the application for the **Special Land Use Permit** and the application for a License complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, the **Mt. Morris Township Recreational Marihuana Licensing Ordinance**, and with statutes of the State of Michigan.

**4.04 Public Hearing:** The Planning Commission must hold a public hearing in accordance with **Chapter 6 of the Code of Ordinances of the Charter Township of Mount Morris**, and must:

- A. Review the application for the **Special Land Use Permit** (in conjunction with its review of the Application for a License); and
- B. Make a finding as to whether the use as set forth and described in the application for the Special Land Use Permit complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, and with statutes of the State of Michigan; and

#### **Article V - Safety Compliance Facility, and Secure Transporter Requirements**

**5.01 Safety Compliance Facility, and Secure Transporter Requirements:** A Safety Compliance Facility, or Secure Transport Establishment pursuant to this section must be located and operated in accordance with the following requirements:

**5.02 Special Land Use Requirement:** No facility which is a Safety Compliance Facility, or Secure Transport Establishment may be operated in the Charter Township of Mount Morris, except in accordance with Section 18.58 of the Charter Township of Mount Morris Zoning Ordinance and unless a permit for special land use has been granted in accordance with Article 19 of the Charter Township of Mt. Morris Zoning Ordinance.

**5.03 Zoning District:** A Safety Compliance Facility, or Secure Transport Establishment pursuant to this section shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial**; **(C-3) Regional Commercial District**; **(C-4) Service Commercial District**; **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

**5.04 Population Limitations:** The issuance of a Special Land Use Permit for a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section shall not be conditioned upon the population of the Township.

**5.05 Location:** A Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section shall not be conditioned upon the location of any other special land use zone, provided that a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section is not permitted on any of the following:

A. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

B. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA)**; **Single Family Residential (R-1)**; **Single Family Residential (R-2)**; **Single Family Residential (R-3)**; **Multiple Family Residential (MF)**; **Manufactured Housing Park District (MHP)**; **Rural Estate Residential District (RE)**; or **Planned Unit Development (PUD)**; or

C. On a Parcel of Property of which any lot line is within 300 feet of any lot line or a Parcel of Property upon which is situated in a **Single Family Residential (R-1)**; **Single Family Residential (R-2)**; **Single Family Residential (R-3)**; **Multiple Family Residential (MF)**; **Manufactured Housing Park District (MHP)**; or **Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

D. On a Parcel of Property of which any building contains one or more uses unless the Township has issued licenses for each such use; or

E. In a shopping center.

**5.06 Entrances:** Entrances to a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

- A. "No alcoholic beverages of any type are permitted and
- B. no person under the age of 21 may enter

**5.07 Off-Street Parking:** All off-street parking of a facility which is a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must comply with the following:

- A. All off-street parking must comply with the provisions of Article 21 of the Charter Township of Mount Morris Zoning Ordinance; and
- B. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes,

**5.08 Advertisements:** Advertisements, displays or other promotional materials of a Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

**5.09 Signs and Billboards:** The sign or billboard of a Safety Compliance Facility, and a Secure Transport Establishment pursuant to this section must not contain the word "marihuana," any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

**5.10 Screened Openings:** All building openings, entries, windows, and any other portion of the building, as required by the Safety Compliance Facility, or a Secure Transport Establishment pursuant to this section must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

## **Article VI - Marihuana Retailer**

**6.01 Marihuana Retailer:** A Marihuana Retail Establishment must meet the following requirements:

**6.02 Special Land Use Requirement:** No Marihuana Retail Establishment may be operated in the Charter Township of Mt. Morris, except in accordance with **Section 18.58 of the Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19 of the Charter Township of Mt. Morris Zoning Ordinance**.

**6.03 Zoning District:** A Marihuana Retail Establishment shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District;** **(C-3) Regional Commercial District;** **(C-4) Service Commercial District;** **(M-1) Light Industrial District;** and **(M-2) Heavy Industrial District**

**6.04 Location:** The issuance of a Special Land Use Permit for a Marihuana Retail Establishment or a Marihuana Retail Establishment co-located with a Marihuana Grow Establishment or a Marihuana Processing Establishment pursuant to this section is not permitted on any of the following:

A. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is situated in a **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE);** or **Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

B. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-4 75; or

C. On a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Marihuana Retail Establishment; or

D. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Marihuana Retail Establishment, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

E. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE);** or **Planned Unit Development (PUD).**

**6.05 Entrances:** Entrances to a Marihuana Retail Establishment must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:



A. "No alcoholic beverages of any type are permitted within the Marihuana Retail Establishment."

B. "No persons under the age of 21 may enter"

**6.06 Off-Street Parking:** All off-street parking at a Marihuana Retail Establishment must comply with the following:

A. All off-street parking must comply with the provisions of **Article 21 of the Charter Township of Mt. Morris Zoning Ordinance**; and

B. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes,

**6.07 Advertisements:** Advertisements, displays or other promotional materials of a Marihuana Retail Establishment must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

**6.08 Signs and Billboards:** The sign or billboard of a Marihuana Retail Establishment must not contain the word "marihuana", any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

**6.09 Screened Openings:** All building openings, entries, windows, and any other portion of the building as required by the Marihuana Retail Establishment must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

## **Article VII - Marihuana Processor and Marihuana Grower**

**7.01 Marihuana Processor and Marihuana Grower:** A Marihuana Processing Establishment or Marihuana Grow Establishment pursuant to this section must meet the following requirements:

**7.02 Special Land Use Requirement:** No Marihuana Processing Establishment or Marihuana Grow Establishment pursuant to this section may operate in the Charter Township of Mount Morris, except in accordance with **Section 18.58 of the Charter Township of Mount Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19 of the Charter Township of Mount Morris Zoning Ordinance**,

**7.03 Zoning District:** A Marihuana Processing Establishment or Marihuana Grow Establishment shall only be permitted to operate by Special Land Use Permit in a **Light Industrial District (M-1)** or **Heavy Industrial District (M-2)**.

**7.04 Population Limitations:** The issuance of a Special Land Use Permit for a Marihuana Processing Establishment or Marihuana Grow Establishment pursuant to this section shall not be conditioned upon the population of the Township.

**7.05 Location:** The issuance of a Special Land Use Permit for a Marihuana Processing Establishment or a Marihuana Grow Establishment pursuant to this section shall not be conditioned upon the location of any other special land use zone, provided that no Marihuana Processing Establishment and no Marihuana Grow Establishment pursuant to this section shall be located on a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated school or child care facility, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

**7.06 Entrances:** Entrances to a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

A. "No alcoholic beverages of any type are permitted within the Marihuana Grow Establishment or Marihuana Processing Establishment;" and

B. "No person under the age of 21 may enter."

**7.07 Off-Street Parking:** All off-street parking of a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must comply with the following:

A. All off-street parking must comply with the provisions of **Article 21 of the Charter Township of Mt. Morris Zoning Ordinance**; and

B. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.

**7.08 Advertisements:** Advertisements, displays or other promotional materials of a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

**7.09 Signs and Billboards:** The sign or billboard of a Marihuana Processing Establishment and a Marihuana Grow Establishment pursuant to this section must not contain the

word "marihuana", any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

**7.10 Screened Openings:** All building openings, entries, windows, and any other portions of the building as required by a Marihuana Processing Establishment or a Marihuana Grow Establishment pursuant to this section must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

### **Article VIII - Standards**

**8.01 Zoning Standards:** A Recreational Marihuana Establishment must conform to all standards and regulations of the zoning district in which it is located.

**8.02 Other Standards:** A Recreational Marihuana Establishment must meet all applicable written and duly promulgated standards and rules of the Township and of other governments or governmental agencies having jurisdiction.

### **Article IX - Compliance**

**9.01 Compliance:** At all times a person must comply with all Federal, State, and local laws, rules, regulations, and ordinances.

### **Article X - Severability**

**10.01 Severability:** The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it will not affect any other part or portion thereof.

### **Article XI – Repeal**

**11.01 Repeal:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

### **Article XII – Effective Date**

**12.01 Effective Date:** This Ordinance becomes effective 8 days after publication of the notice of this Ordinance’s adoption in a local newspaper circulating within the Charter Township of Mount Morris.

### **Introduction:**

Thursday, July 16, 2020

**First Publication:**

Wednesday, July 15, 2020

**Adoption:**

Monday, August 24, 2020

**Second Publication:**

Wednesday, September 2, 2020

**CERTIFICATION:**

We, the undersigned, being respectively the Township Supervisor and Township Clerk of the Charter Township of Mount Morris, Genesee County, Michigan, do hereby certify that the above Charter Township of Mount Morris Ordinance Number 18.58 was duly adopted by the Township Board of the Charter Township of Mount Morris at which meeting a quorum was present.

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Larry Green,  
Supervisor Mount Morris Township

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Brenda Ashley,  
Clerk Mount Morris Township