

PINCONNING TOWNSHIP
BAY COUNTY, MICHIGAN
ORDINANCE NO. 19- 01

ORDINANCE AMENDING ORDINANCE 17-01, AS AMENDED, AUTHORIZING AND PERMITTING COMMERCIAL MEDICAL MARIHUANA FACILITIES

At a regular meeting of the Township Board of Pinconning Township, Bay County, Michigan, held at the Pinconning Township Hall on 8/13th, 2019, at 4 PM, Township Board Member Beek moved to adopt the following Ordinance, which motion was seconded by Township Board Member Whitney:

An Ordinance to amend Pinconning Township Ordinance No. 17-01, as amended, to authorize online orders and home deliveries by licensed marihuana provisioning centers, to modify hours of operation, permit co-location of certain facilities and establishments, modify regulations for consumption of marihuana, and to maintain the public health, safety, and welfare of Pinconning Township.

THE TOWNSHIP OF PINCONNING ORDAINS:

Section 1. Amendment to Section 5. Section 5 of Ordinance 17-01 shall be amended to read as follows:

Section 5. Operational Requirements – Commercial Medical Marihuana Facilities. A Commercial Medical Marihuana Facility which has been issued a Permit under this Ordinance and operating in the 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 determines reasonable.

1. *Scope of Operation.* Commercial Medical Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the Medical Marihuana Facilities Licensing Act or this Ordinance. The Facility must hold a valid local Permit and State Commercial Medical Marihuana Facility License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
2. *Required Documentation.* Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility shall be permitted to operate from a moveable, mobile, or transitory location, except for home delivery as authorized by this Ordinance, or a Permitted and Licensed Secure Transporter, when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.

3. *Security.* 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 Permitted Premises;
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight, except for Marihuana actively grown in a Grower Facility;
 - d. All Marihuana in whatever form stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Property, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
 - 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 agency or officer upon request for inspection.
4. *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m., except that on Thursday, Friday, Saturday, and Sunday a Provisioning Center may operate until 10:00 p.m.
5. *Required Spacing.* No Commercial Medical Marihuana Facility shall be located within one-thousand (1,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Facility is established, with the minimum distance between uses measured horizontally between the nearest property lines.
6. *Co-location with Certain Commercial Medical Marihuana Facilities and Recreational Establishments.* Subject to underlying zoning restrictions, the following co-location is permitted:
 - a. A Grower Facility, Processor Facility, or Provisioning Center may operate from within a single facility.
 - b. A Grower Facility, Processor Facility, or Provisioning Center may operate from within a single facility also operating with a Marihuana Grower, Excess Marihuana Grower, Marihuana Processor, Marihuana Event Organizer, Temporary Marihuana Event, Marihuana Retailer, or Designated Consumption Establishment operating pursuant to the MRTMA and applicable rules promulgated by the Department.

- c. A Marihuana Grower, Excess Marihuana Grower, Marihuana Processor, Marihuana Event Organizer, Temporary Marihuana Event, Marihuana Retailer, or Designated Consumption Establishment may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department.
7. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the state License or the Township's Permit.
8. *Sale of Marihuana.*
 - a. The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
 - b. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet, except as provided in subsection (c).
 - c. A Provisioning Center may accept online orders for marihuana and marihuana products only for delivery to the physical home address of a registered qualifying patient, and in a manner consistent with all applicable state laws and rules, as amended. The individual making the home delivery shall be an employee of the Provisioning Center. Any Provisioning Center that performs home deliveries shall submit its home delivery procedure to the Township and shall provide the Township with proof the Department has authorized the Provisioning Center's home delivery procedure. All order and delivery methods, including procedures, records, tracking records, logs, and other documents, are subject to inspection and examination by the state and the Township. The Provisioning Center shall notify the Township of any theft or loss of marihuana product in connection with a home delivery.
9. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marihuana," "cannabis" and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
10. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances on the Permitted Premises is prohibited. Smoking or consumption of Marihuana is permitted only with the appropriate establishment Permit and consistent with all state and local rules and regulations.

11. *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises.
12. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
13. *Distribution.* No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
14. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
15. *Waste Disposal.* The permit holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
16. *Transportation.* Marihuana may be transported for home delivery as authorized by this Ordinance or by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
 - a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
 - b. In a manner consistent with all applicable state laws and rules, as amended;
 - c. In a secure manner designed to prevent the loss of the Marihuana;
 - d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words "Marihuana," "cannabis" or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
 - e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.

17. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Commercial Medical Marihuana 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 2. Effective Date. This Ordinance Amendment shall take effect the day following the date of publication after final adoption by the Township Board.

Section 3. Repeal: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: 5
NAYS: 0
ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED:

Sharon Stalsberg
Sharon Stalsberg, Pinconning Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Pinconning Township Board at a duly scheduled and noticed meeting of that Township Board held on 8/13th, 2019, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Pinconning Journal newspaper, a newspaper that circulates within Pinconning Township, on 21st, 2019.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Bay County Clerk on _____, 2019.

ATTESTED:

Beverlene Hribek
Beverlene Hribek, Pinconning Township Clerk