

# MARIHUANA POLICY ADVISORY COMMITTEE

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## **Committee**

The committee is composed of representatives from the Board of Trustees, the Director of Public Safety, the Zoning Administrator, the Township's planning consultant, an attorney who represents several potential marihuana businesses, and the Township's attorney in accordance with Resolution #20-01.

The purpose of the committee is to advise and make recommendations to the Board of Trustees relating to medical and adult use marihuana. The committee provided the Board of Trustees with an interim report on May 13, 2020 which described the review made by the committee. (Attachment A). Committee members provided a wide range of perspectives and insight, both personally and professionally, which was invaluable to this recommendation.

## **Recommendation**

The recommendation from the committee to the Board of Trustees is to proceed with allowing medical and adult use marihuana establishments and facilities into the Township. The remainder of this report contains information meant to assist the Board of Trustees in their decision and is broken down into the following sections:

- Legal Background
- Township Background
- Elections
- Medical Marihuana vs. Recreational Marihuana
- Marihuana Businesses
- Municipal Approaches
- Impacts to the Township
- Proposed Ordinance

## Legal Background

Michigan voters approved a medical marihuana ballot proposal which created the Michigan Medical Marihuana Act (MMMA) in 2008.<sup>1</sup> The MMMA permitted seriously or terminally ill patients to use marihuana with a physician’s recommendation—meaning that while the possession or use of marihuana remained illegal under state law, individuals who registered with the State as qualifying patients could raise their patient status as a defense if faced with an alleged possession violation. The Act also created Michigan’s “caregiver” system that allows an individual to register with the State and cultivate up to 72 marihuana plants on behalf of registered patients.<sup>2</sup> However, the MMMA did not specifically contemplate organized medical marihuana dispensaries or provisioning centers, which generated substantial confusion about the legality of such facilities.

Michigan’s legislature sought to resolve this confusion in 2016 by amending the MMMA and adopting the Medical Marihuana Facilities Licensing Act (MMFLA)<sup>3</sup> and Michigan Medical Marihuana Tracking Act (MMMTA).<sup>4</sup> These Acts created a new regulatory framework for commercial medical marihuana businesses to operate within Michigan. The MMFLA also created the Medical Marihuana Licensing Board and gave the Michigan Department of Licensing and Regulatory Affairs (LARA) authority to create and enforce administrative rules to implement the new laws. In 2019, Governor Whitmer terminated the Board and Bureau via executive order and transferred their responsibilities and authority to the newly formed Marihuana Regulatory Agency (MRA).<sup>5</sup>

In 2018, Michigan voters passed Proposal 1, the Michigan Regulation and Taxation of Marihuana Act (MRTMA), which legalized and charged the State with administering a regulatory system for adult use marihuana. The legislature subsequently amended the MMFLA again to help the MRA develop a single regulatory framework to oversee medical and adult use marihuana. This effort culminated in June of 2020, when the MRA released a full set of administrative rules to regulate both medical marihuana facilities and adult use establishments.<sup>6</sup> This unified set of regulations replaces the MRA’s prior administrative rules promulgated under the MMFLA, and their emergency rules promulgated under the MRTMA.

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<sup>1</sup> MCL § 333.26421 *et seq.*

<sup>2</sup> Caregivers may cultivate up to 12 plants per patient for a maximum of five patients. Caregivers may cultivate an additional 12 plants for personal use.

<sup>3</sup> MCL § 333.1001 *et seq.*

<sup>4</sup> MCL § 333.27901 *et seq.*

<sup>5</sup> Executive Reorganization Order 2019-2.

<sup>6</sup> R 420.1 *et seq.*

## Township Background

The Board of Trustees adopted an ordinance to allow medical marihuana facilities and grow operations in 2015, however, in response to legal issues and uncertainties, the Township repealed the ordinance in 2017. In 2018, recreational marihuana was placed on the ballot as a statewide proposal and Pittsfield, like many communities, continued to postpone the decision while awaiting the results of the election.

Throughout all of this, Pittsfield Charter Township had public discussions, presentations, and working sessions relating to medical and adult use marihuana facilities and establishments. Even after the election results, there were so many concerns about this new industry, that Pittsfield adopted an ordinance in October of 2019 to outright prohibit recreational marihuana businesses in the community.<sup>7</sup> Due to the actions in 2017 and 2019, Pittsfield now prohibits medical and recreational businesses in the Township. These actions were done as a precautionary and temporary measure to allow the Township more time to understand how this industry would develop before making its final decision. Legal concerns have not been completely eliminated but some problems have been alleviated through the Marihuana Regulatory Agency rules, some uncertainty has been resolved through the courts, and many communities, like Ann Arbor City and the City of Ypsilanti, have moved forward.

## Elections

The election results of 2008 and 2018 were of particular interest to the committee. The election results where residents approved medical marihuana by 68% in 2008 and recreational marihuana by 63% in 2018 were especially persuasive and compelling to the committee as an indication of acceptance of the marihuana industry.

2008 ELECTION RESULTS - MEDICAL MARIHUANA				
Location	Yes	No	Total Votes	% Voting Yes
Precinct 1	1,067	491	1,558	68.49%
Precinct 2	847	265	1,112	76.17%
Precinct 3	671	388	1,059	63.36%
Precinct 4	646	195	841	76.81%
Precinct 5	350	145	495	70.71%
Precinct 6	794	426	1,220	65.08%
Precinct 7	1,015	417	1,432	70.88%
Precinct 8	910	583	1,493	60.95%
Precinct 9	857	485	1,342	63.86%
Precinct 10	534	167	701	76.18%
Precinct 11	563	172	735	76.60%
<b>Pittsfield</b>	<b>8,254</b>	<b>3,734</b>	<b>11,988</b>	<b>68.85%</b>
<b>County</b>	<b>127,706</b>	<b>50,955</b>	<b>178,661</b>	<b>71.48%</b>
<b>State</b>	<b>3,008,980</b>	<b>1,792,870</b>	<b>4,801,850</b>	<b>62.66%</b>

2018 ELECTION RESULTS - RECREATIONAL MARIHUANA				
Location	Yes	No	Total Votes	% Voting Yes
Precinct 1	830	371	1,201	69.11%
Precinct 2	747	296	1,043	71.62%
Precinct 3	851	468	1,319	64.52%
Precinct 4	796	311	1,107	71.91%
Precinct 5	484	347	831	58.24%
Precinct 6	877	698	1,575	55.68%
Precinct 7	989	513	1,502	65.85%
Precinct 8	449	354	803	55.92%
Precinct 9	930	641	1,571	59.20%
Precinct 10	1,085	362	1,447	74.98%
Precinct 11	873	713	1,586	55.04%
Precinct 12	703	713	1,416	49.65%
Precinct 13	790	224	1,014	77.91%
<b>Pittsfield</b>	<b>10,404</b>	<b>6,011</b>	<b>16,415</b>	<b>63.38%</b>
<b>County</b>	<b>116,167</b>	<b>55,349</b>	<b>171,516</b>	<b>67.73%</b>
<b>State</b>	<b>2,354,640</b>	<b>1,858,354</b>	<b>4,212,994</b>	<b>55.89%</b>

The election results reflect and coincides with the general societal shift of acceptance of marihuana use. (Attachment B – Pew Research Center 2019).

<sup>7</sup> Action required by November 1, 2020 to prevent a de facto opt-in.

## Medical vs. Recreational

Other than the distinctions as provided by law, the committee could find no reason to treat medical or recreational marihuana any differently. There is almost no difference between medical marihuana and recreational marihuana as it applies to content (THC or CBD levels) and it is difficult to make assumptions that the medical marihuana or recreational marihuana is used for its intended purpose (and if that even matters). Legally, where differences exist between medical or recreational marihuana, those differences are so noted.

## License Types

The laws that govern medical marihuana (MMFLA) and the laws that govern recreational marihuana (MRTMA) created a category of licenses which can be grouped according to similarly situated license types. (Attachment C –License Types).

Equivalent Licenses					
<b>MMFLA (medical)</b>	<b>Grower</b> Class A-500 plants Class B-1,000 plants Class C-1,500 plants	<b>Processor</b> (by-products like edibles, oils, etc.)	<b>Provisioning Center</b> (storefront sales)	<b>Secure Transporter</b>	<b>Safety Compliance Facility (labs)</b>
<b>MRTMA (recreational)</b>	<b>Grower</b> Class A-100 plants Class B-500 plants Class C-2,000 plants	<b>Processor</b> (by-products like edibles, oils, etc.)	<b>Retailer</b> (storefront sales)	<b>Secure Transporter</b>	<b>Safety Compliance Facility (labs)</b>

Growers are growing marihuana plants in controlled rooms with a continuous cycle of harvesting. Most growing occurs inside. Processors process all the by-product from the marihuana plant into products such as edibles and oils. The retail sale of marihuana is either called a provisioning center for medical or a retailer for recreational. Secure transporters transfer marihuana from one marihuana business to another, for example, from a grower to a lab. Transporter businesses are expected to have multiple small compact vans. Safety compliance facilities are the labs that test the marihuana plants or products. Unique to transporters and labs is the fact that these two businesses cannot mix with any other marihuana business and must be separate from each other.

A single business can hold a grower, processor, and storefront sales license (co-location) and can operate as both a medical and a recreational business in the same building. At all times, physical segregation is required between medical marihuana operations and recreational marihuana operations. For example, a single business can sell both medical and recreational marihuana, however, the front of the store may be dedicated to the processing and selling of medical marihuana, and the back of the store may house the recreational marihuana operations.

## **Municipal Approach**

Municipalities can choose which types of licenses are available. Even among the different classes of growers, a municipality can select only to allow Class A growers for medical and/or recreational thereby limiting the amount of plants a grower can have. If a municipality opposes the sale of marihuana but supports testing facilities, the municipality can choose to allow only safety compliance facilities.

There are two approaches that municipalities can take to allow marihuana businesses into the community. A municipality can approve a license by adopting a quota/cap system or by establishing an overlay district. In a quota/cap system, a municipality designates the number of licenses that are available according to license type, and the marihuana business is scored according to a competitive process. The competitive process requires the municipality to develop factors used to score the applicant based on variables that the municipality considers important. Factors can include such variables as land use, location, density and also provide points if a business has a diversity or community outreach plan. This method of approval may allow the municipality to exert a significant amount of pressure on a marihuana business wishing to have a higher score, however, it is labor intensive and may not have an objective outcome. Additionally, there is likely a higher chance of a legal challenge by an unsuccessful applicant if the process is perceived as unfairly administered.

No caps exist if the municipality develops an overlay district. An overlay district is determined by the municipality and is sometimes set upon an already existing zone. For example, a municipality could potentially create an overlay district by making all or a portion of their light industrial zone a place where a grower, processor, and retailer could be located and carve out another area for labs. This process can be used to limit where marihuana businesses can be, and the size of the district can limit the number of businesses that can fit into that specific area.

Clearly, there are many options. These options would be written into the municipality's ordinance.

## **Impact on Township – Findings**

After reviewing the law, looking historically at what has been done in the Township, learning about the marihuana business, and understanding various approaches that municipalities have taken, the committee made the following finding about impacts on the Township as it relates to aesthetics, economics, administration, code enforcement, and public safety.

### Aesthetics

Marihuana businesses are not different from any other business operating in the Township. Storefront sales might look more like a local party store and a lab would look like any other scientific lab facility in the Township. Concerns about how a new business will look is addressed through the Planning Commission and concerns regarding marihuana business signs are handled through the Zoning Ordinance. Attempts to place additional restrictions on marihuana businesses relating to how the building looks or what can be on a marihuana business sign is legally questionable.

Aesthetically, concentration or saturation of multiple marihuana businesses located near each other, creating a marihuana corridor, will negatively impact the Township. Co-location can consolidate a grower, processor, and seller into a single building which is more desirable.

### Economics

Marihuana business can generate additional revenue from taxes paid by sales of marihuana or through application fees. Both medical marihuana and recreational marihuana have a 6% sales tax which trickles down to local governments through revenue sharing, but an additional excise tax of 10% is applied specifically to the sale of recreational marihuana.<sup>8</sup> In the simplest terms, 15% of the excise tax is dedicated to municipalities with the 15% being pro-rated based upon the number of recreational retailers that exist within a jurisdiction. Assuming that there is a billion dollars in sales (very conservative), 2,000 retailers located throughout the state of Michigan (unknown), and 3 retail shops in the Township, the Township could see an additional \$30,000 in revenue from the excise tax.

Revenue generated by application and annual maintenance fees can be no more than \$5,000 per license. These fees can go directly to various departments required to administer the process and most likely will not produce extra revenue for the Township.

The economic impact also relates to businesses and jobs located in the Township. New businesses bring jobs to the Township which enhances the community. This is especially true for labs which will bring higher paying jobs, good benefits, and require employment of individuals with a higher education.

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<sup>8</sup> This also applies to micro businesses which are not discussed in this report.

## Administration

Initially, the creating and administering of the process will be labor intensive requiring several employees from different departments to take part in the process. This is expected, it is not insurmountable. Critical to how difficult the process will be going forward is which method of approval a municipality chooses to adopt, a quota/cap system or an overlay district. The quota/cap system is labor intensive and cumbersome, whereas an overlay district will fit nicely within the zones already established by the Township.

## Code Enforcement

Code violations such as weeds, signs, dilapidated buildings, etc. occur throughout the Township and there is no reason to expect marijuana businesses will be immune from these issues. The impact to code enforcement through the Zoning Administrator is considered low with the thought that marijuana businesses are no different than any other business in the Township.

Issues relating to odor are potentially problematic. Although the distinctive odor emanating from marijuana can be found in all marijuana businesses, it is especially pervasive for growers during harvest. Because growers are constantly harvesting, the marijuana smell can be overpowering. Municipalities would normally handle intense odor issues through their ordinance and potentially issue citations but may have questionable results.

## Public Safety

Except for decreasing arrest rates relating to possession of marijuana, there is a lack of available data comparing crime rates to the legalization of marijuana. Operating While Intoxicated (OWI) might see an uptick due to legalizing marijuana but with no viable testing method for the intoxication component of marijuana, it is doubtful that it can be traced to marijuana use.

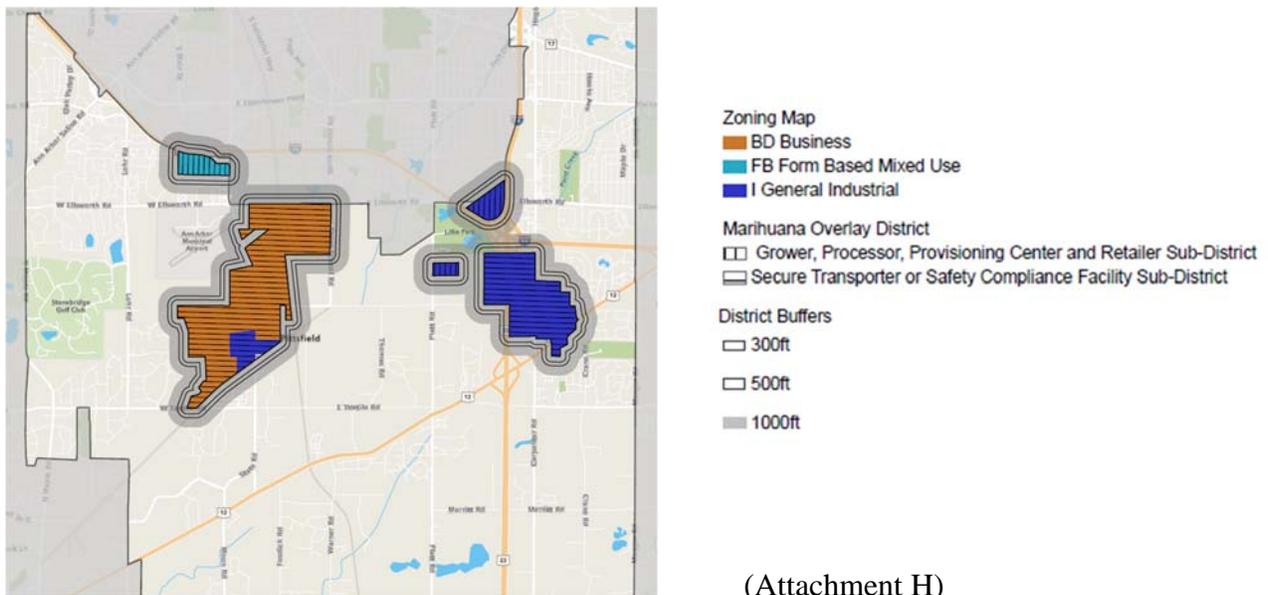
It is unknown which types of marijuana business, if any, would have a direct impact on public safety. Storefronts may need police intervention but no more so than a local party store whereas labs would probably need very little assistance from public safety. Due to federal law, many of these businesses are cash heavy with a lot of marijuana in the vicinity, however, there is no indication that these businesses have a greater theft/robbery rate than any other business. All marijuana businesses are required to have security plans which can be filed with the Township's Public Safety Department.

## Development of Proposed Ordinance

Consistent with the committee’s findings, an ordinance, application, and summary of process were developed for the Board of Trustees consideration. (Attachment D – Regulatory Medical, Attachment E – Regulatory Adult Use, Attachment F – Zoning Medical, and Attachment G – Zoning Adult Use). These items will allow the Board of Trustees to understand how a marihuana business would enter the Township and how the process would work. Selected points of interest are noted for the Board of Trustees.

Overall, there are four ordinances that would require passage. These ordinances would control for types of marihuana licenses available in the Township and the location for which these businesses might be placed. These limitations are not meant as a long-term prohibition, simply a cautionary measure with the understanding that more license types or locations could potentially be added in the future.

Since an overlay district would be the best fit for the Township, our starting point was to determine where the district would be placed.



A large district for a transport or lab may be located near State Street and Carpenter Road. These business types are congruent with the underlying zoned area of Business or General Industrial.

There are three smaller areas, mainly in the northern region of the Township for which a grower, a processor, or storefront may be located. Growing marihuana is limited to indoors. While one business owner may co-locate, it was important to prevent a concentration of multiple marihuana businesses in a single area. This was corrected by a 500 foot distancing requirement. Other

distancing measures are included in the proposed ordinance to prevent a marihuana business from being too close to a park or childcare facility.

The current zoning ordinance limits the size and location of a sign for any business. However, local government cannot place additional restrictions on the signs for marihuana businesses without bumping up against legal issues. There are also provisions in the zoning ordinance that can prevent the odor issue from being problematic. Additional provisions were added to the marihuana ordinances to address this issue requiring ventilation and odor control which includes the requirement that a grower or processor shall install and maintain in operable condition a system that precludes the emissions of marihuana odor from the premises.

### **Conclusions**

The information provided is meant to assist the Board of Trustees in its decision. Based upon our review and findings, the recommendation is to proceed with allowing marihuana businesses into the Township. Proceeding cautiously by limiting location and the number of businesses through an overlay district is the best approach.

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The Township is fortunate to have committee members that provided a broad range of perspective to this recommendation. The discussions were thoughtful, the input invaluable, and the contributions were top notch. Many thanks!

### **Committee Members**

Michelle L. Anzaldi, Clerk  
Linda Edwards-Brown, Trustee  
Matthew Harshberger, Director of Public Safety  
Belinda Kingsley, Zoning and Code Enforcement Administrator  
Daniel C. Cramer, Attorney for potential marihuana licensees  
Benjamin R. Carlisle, Township Planning Consultant  
Andrew F. Fink III, Township Attorney

# MARIHUANA POLICY ADVISORY COMMITTEE

## Report Summary

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### Committee

In accordance with Resolution #20-01, adopted on January 8, 2020, the Marihuana Policy Advisory Committee was formed to advise and make recommendations to the Board of Trustees regarding potential marihuana facilities and establishments in the Township. The committee is composed of representatives from the Board of Trustees, Township administrative and law enforcement staff, the Township's planning consultant, an attorney who represents several potential marihuana businesses, and the Township's attorney.

### Background

In 2018, voters across Michigan passed recreational use of marihuana with 56% voting yes. Washtenaw County approved the measure with 68% voting yes and Pittsfield voters approved recreational marijuana by 63%. According to the State Marijuana Regulatory Agency, 46 municipalities have adopted ordinances relating to medical and adult use marihuana in different degrees, and several other municipalities are in the process of adopting medical and/or adult use marihuana ordinances.

### Committee Review

In the committee's early meetings in January and February, the focused was on understanding generally what is happening in the marihuana industry in Michigan. The group reviewed news articles and resources available on the State's Marihuana Regulatory Agency website, and had discussions about the statutory framework the Township is working within. The committee examined the differences between medical marihuana facilities and adult use establishments, and the various types of licenses available within each of those categories.

The committee also reviewed past locations of marihuana-related businesses in the Township, along with other areas in the Township which might be appropriate locations for marihuana-related activity. The committee started to review potential processes for local approval of an application for a state license, including whether a marihuana business would best be allowed as a permitted or conditional use, the optimal number of licensed businesses to be located within the Township, and all available zoning options.

In early March, the committee began to review maps for the placement of potential marihuana locations, but was unable to reconvene until April 21<sup>st</sup> due to the interruptions caused by COVID-19. Since then, the committee met twice in a virtual space in April, continuing to consider potential sites, reviewing potential ordinances, and outlining what the process and impact on Township personnel of reviewing an application and maintaining appropriate oversight of marihuana businesses would look like.

Throughout the process, committee members have discussed possible issues that residents may have with the Township adopting a marijuana ordinance. Discussions centered on location, business types, public safety concerns, and odor emissions. Some committee members took a tour of a testing/ safety compliance facility, a provisioning center, and a retailer to gain a better understanding of the business models.

### **Committee Recommendations**

Although the committee has worked diligently and productively to accomplish the work laid out in Resolution #20-01, the interruptions caused by the COVID-19 pandemic, together with the committee's increased awareness of recent developments in the regulatory and business environments related to marihuana, have prevented the committee from completing its work by the original target date of May 13, 2020. The committee therefore recommends and requests that the Board of Trustees extend the time frame for the committee to complete its work to July 22, 2020.

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### Committee Members

Michelle L. Anzaldi, Clerk  
Linda Edwards-Brown, Trustee  
Matthew Harshberger, Director of Public Safety  
Belinda Kingsley, Zoning and Code Enforcement Administrator  
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# FACTANK

NEWS IN THE NUMBERS

NOVEMBER 22, 2019

## 6 facts about marijuana

BY **A.W. GEIGER** AND **JOHN GRAMLICH**



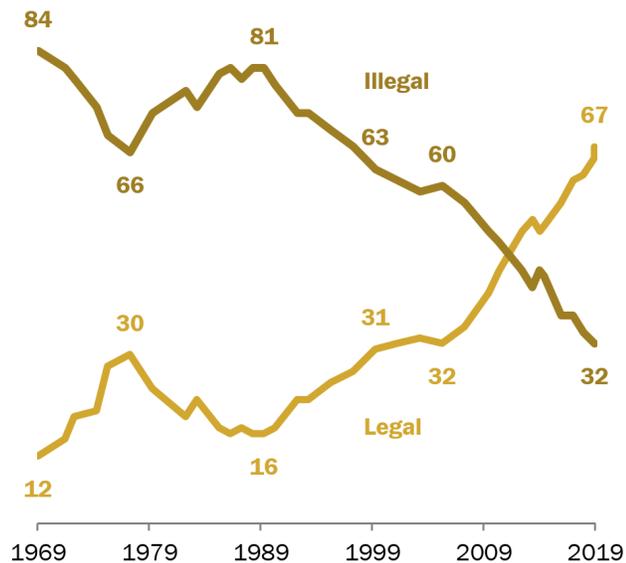
Cannabis buds are shown to a customer at a dispensary in Desert Hot Springs, California, on Jan. 1, 2018 – the day recreational marijuana sales became legal in the state. (Robyn Beck/AFP/Getty Images)

Marijuana is illegal under federal law, but a growing number of states have legalized the drug for recreational or medical purposes in recent years. The changing legal landscape has coincided with a dramatic increase in public support for legalization, which is favored by a majority of Americans.

Here are six facts about Americans and marijuana:

## U.S. public opinion on legalizing marijuana, 1969-2019

Do you think the use of marijuana should be made legal, or not? (%)



Note: No answer responses not shown. 2019 data from Pew Research Center's online American Trends Panel; prior data from telephone surveys. Data from 1969-1972 from Gallup; data from 1973-2008 from General Social Surveys.

Source: Survey of U.S. adults conducted Sept. 3-15, 2019.

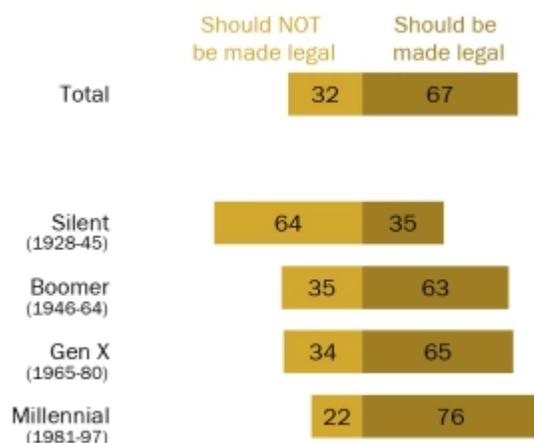
PEW RESEARCH CENTER

**1 Two-thirds of Americans favor marijuana legalization, reflecting a steady increase in public support,** according to a [September 2019 Pew Research Center survey](#). Public opinion on marijuana legalization was essentially the opposite nearly two decades ago: In 2000, 63% said the use of marijuana should be *illegal*.

**2 Views of marijuana legalization differ by generation and political party, though support has increased across demographic groups over time.** Majorities of Millennials (those born between 1981 and 1997), Gen Xers (born between 1965 and 1980) and Baby Boomers (born between 1946 and 1964) say the use of marijuana should be legal, up sharply from a decade ago.

## Majorities across generations – except Silents – favor legalizing marijuana

% who say the use of marijuana ...



Note: Figures may not add to 100% because of rounding. No answer responses not shown.

Source: Survey of U.S. adults conducted Sept. 3-15, 2019.

PEW RESEARCH CENTER

And while a smaller share of the Silent Generation (born between 1928 and 1945) currently favors legalization, support among these Americans has also increased.

Democrats and Democratic-leaning independents are more likely than Republicans and GOP leaners to support the legalization of marijuana (78% vs. 55%). In both groups, however, support for legalization has risen.

**3 Few Americans say marijuana should be illegal under all circumstances.** In the fall 2019 survey, 59% of U.S. adults said marijuana should be legal for recreational and medical purposes, while another 32% said it should be legal for medical use only. Just 8% said the drug should not be legal.

About two-thirds of Democrats (68%) said marijuana should be legal for both medical and recreational use, compared with 49% of Republicans. Republicans were more likely than Democrats to say it should be legal *just* for medical purposes (38% vs. 28%) or should not be legal at all (12% vs. 4%).

**4 Supporters and opponents of marijuana legalization cite different reasons for their views.** Americans who favor legalization are most likely to point to the drug's perceived medical benefits or to say it would free up law enforcement to focus on other types of crime; 86% and 70%, respectively, say these are very important reasons for their support, according to a [Gallup survey](#) conducted in spring 2019.

Among Americans who *oppose* marijuana legalization, 79% say a very important reason is that it would increase the number of car accidents involving drivers who use marijuana. Around seven-in-ten (69%) say a very important reason is that legalization would lead to more people using stronger and more addictive drugs.

**5** About half (48%) of American adults say they have ever used marijuana, according to the [2018 National Survey on Drug Use and Health](#). That is lower than the shares who say they have ever consumed alcohol (86%) or ever used tobacco products (66%).

While many Americans say they have ever used cannabis, far fewer are current users, according to the same 2018 survey: 16% of U.S. adults say they have used marijuana over the past year, while 11% say they have used the drug over the past month.

### Where recreational marijuana is legal in the U.S.

*States that have legalized small amounts of cannabis for adult recreational use, November 2019*



Note: The Northern Mariana Islands, a U.S. commonwealth, legalized recreational marijuana in 2018.

Source: National Conference of State Legislatures.

PEW RESEARCH CENTER

**Eleven states and the District of Columbia have legalized small amounts of 6 marijuana for adult recreational use**, according to [the National Conference of State Legislatures](#). Combined, these jurisdictions are home to 29% of adults in the country. (The Northern Mariana Islands, a U.S. commonwealth, also [legalized recreational marijuana](#) in 2018.)

Roughly three dozen states (33), as well as D.C., Guam, Puerto Rico and the Virgin Islands, have approved some form of a [medical marijuana program](#). Numerous states have also enacted laws reducing criminal penalties for certain marijuana-related convictions or allowing past convictions [to be expunged](#).

*Note: This is an update of a post originally published in November 2014.*

Topics [Drugs](#), [Domestic Affairs and Policy](#)



**A.W. Geiger** is a former associate digital producer and writer for Pew Research Center.

[POSTS](#) | [BIO](#) | [TWITTER](#) | [EMAIL](#)



**John Gramlich** is a senior writer/editor at Pew Research Center.

[POSTS](#) | [BIO](#) | [TWITTER](#) | [EMAIL](#)

License Type	Medical MMFLA	Recreational MRTMA	Michigan Regulatory Agency
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<b>Growers</b>	Grower - Class A	500 plants	100 plants	<b>LICENSE TYPES THAT CAN CO-LOCATE</b>
	Grower - Class B	1,000 plants	500 plants	
	Grower - Class C	1,500 plants	2,000 plants	
	Excess Grower	allows additional plants determined upon the number of Class C Licenses held		
	Microbusiness		150 plants, on-site processing, on-site retailer	
<b>Processors</b>	Processors	processing of raw marijuana (normally by-products) into other sellable goods such as edibles, oils, etc.		
<b>Storefronts</b>	Provisioning Center	retail sale of medical marihuana products		
	Retail		retail sale of recreational marihuana products	
	Designated Consumption Establishment		on-site consumption of marihuana products	
<b>Events</b>	Marihuana Event Organizer		individual licensed to host a temporary event	
	Temporary Marihuana Event		on-site sales and/or consumption issued to an event organizer	
<b>Other</b>	Secure Transporter	transporting of marihuana products		
	Safety Compliance Facility (LABS)	safety and potency testing of marihuana products		

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in the Charter Township of Pittsfield pursuant to PA 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN  
ORDAINS:

XX.XX1 - TITLE This ordinance shall be known as and may be cited as the Charter Township of Pittsfield Medical Marihuana Facilities Ordinance.

XX.XX2 - DEFINITIONS Words used herein shall have the definitions as provided for in Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as may be amended (the "State Marihuana Laws").

XX.XX3 - AUTHORIZED MARIHUANA FACILITIES

1. The following medical marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the State Marihuana Laws, as may be amended, the Rules promulgated thereunder and this ordinance: a) An unlimited number of growers shall be authorized in the Township, including Class A and Class B growers. b) An unlimited number processors shall be authorized in the Township. c) An unlimited number of provisioning centers shall be authorized in the Township. d) An unlimited number of safety compliance facilities shall be authorized in the Township. e) An unlimited number of secure transporters shall be authorized in the Township.

2. On and after \_\_\_\_\_, 2020, the Township shall accept applications for authorization to operate a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as the "Clerk."). Once the Clerk receives a complete application including the initial annual medical marihuana facility fee, the applicant shall receive conditional authorization to operate such medical marihuana facility within the Township.

3. If a conditionally-authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk.

4. A conditionally-authorized applicant shall receive full authorization from the Township to operate the medical marijuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marijuana facility in the Township and the applicant has met all other requirements of this ordinance for the operation including but not limited to any zoning approval for the location of the facility within the Township.

5. If a conditionally-authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then such conditional authorization shall be automatically canceled by the Clerk. The Township Board shall have the authority to extend the deadline to obtain full authorization for up to two additional six month periods on written request of the applicant, which must be made at least 30 but not more than 45 days prior to the automatic cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension. Such an extension may not be granted more than one time per medical marijuana facility.

#### XX.XX4 - GENERAL REGULATIONS REGARDING AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. An authorized medical marijuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to the State Marijuana Laws, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.

2. Prior to operating an authorized medical marijuana facility within the Township pursuant to a state operating license, the facility must comply with all applicable zoning regulations. The facility shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.

3. Prior to operating an authorized medical marijuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating medical marijuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.

4. An authorized medical marijuana facility shall consent to inspection of the facility by Township officials and the Pittsfield Township Police Department during hours of operation to verify compliance with this ordinance.

5. If at any time an authorized medical marijuana facility violates this ordinance the Township Board may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Township authorization.

6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marijuana facility a vested right,

license, privilege or permit to continued authorization from the Township for operations within the Township.

7. The Township expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.

XX.XX5 - ANNUAL MEDICAL MARIHUANA FACILITY FEE There is hereby established an annual nonrefundable Township medical marihuana facility fee in the amount of \$5,000, for each authorized medical marihuana facility within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual medical marihuana facility fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the medical marihuana facility. Together with the annual medical marihuana facility fee, each authorized medical marihuana facility must certify, on a form provided by the Township, that no material information has changed since the most recent application or certification provided by the facility, or detailing changes in material information. For purposes of this ordinance, material information includes but is not necessarily limited to information relating to ownership, criminal or other legal violations, and any other information which the State of Michigan requires to be reported by marihuana facilities.

#### XX.XX6 - VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer, any Township police officer, or by such other person(s) as designated by the Township Board from time to time.

XX.XX7 - SEVERABILITY The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marijuana facilities pursuant to the State Marijuana Laws, as may be amended.

XX.XX8 - REPEAL All ordinance or parts of ordinances in conflict herewith are hereby repealed.

XX.XX9 - EFFECTIVE DATE This ordinance shall take effect thirty days after Publication.

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for marihuana establishments in the Charter Township of Pittsfield pursuant to Initiated Law 1 of 2018, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN  
ORDAINS:

XX.XX1 - TITLE This ordinance shall be known as and may be cited as the Charter Township of Pittsfield Marihuana Establishments Ordinance.

XX.XX2 - DEFINITIONS Words used herein shall have the definitions as provided for in Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as may be amended (the "State Marihuana Laws").

XX.XX3 – AUTHORIZED MARIHUANA ESTABLISHMENTS

1. The following marihuana establishments may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the State Marihuana Laws, as may be amended, the Rules promulgated thereunder and this ordinance: a) An unlimited number of growers shall be authorized in the Township, including Class A and Class B growers. b) An unlimited number processors shall be authorized in the Township. c) An unlimited number of retailers shall be authorized in the Township. d) An unlimited number of safety compliance establishments shall be authorized in the Township. e) An unlimited number of secure transporters shall be authorized in the Township; d) Zero microbusinesses shall be authorized in the Township.

2. On and after \_\_\_\_\_, 2020, the Township shall accept applications for authorization to operate a marihuana establishment within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as the "Clerk."). Once the Clerk receives a complete application including the initial annual marihuana establishment fee, the applicant shall receive conditional authorization to operate such marihuana establishment within the Township.

3. If a conditionally-authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk.

4. A conditionally-authorized applicant shall receive full authorization from the Township to operate the marihuana establishment within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the marihuana establishment in the Township and the applicant has met all other requirements of this ordinance for the operation including but not limited to any zoning approval for the location of the establishment within the Township.

5. If a conditionally-authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then such conditional authorization shall be automatically canceled by the Clerk. The Township Board shall have the authority to extend the deadline to obtain full authorization for up to two additional six month periods on written request of the applicant, which must be made at least 30 but not more than 45 days prior to the automatic cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension. Such an extension may not be granted more than one time per marihuana establishment.

#### XX.XX4 - GENERAL REGULATIONS REGARDING AUTHORIZED MARIHUANA ESTABLISHMENTS

1. An authorized marihuana establishment shall only be operated within the Township by the holder of a state operating license issued pursuant to the State Marihuana Laws, as may be amended, and the Rules promulgated thereunder. The establishment shall only be operated as long as the state operating license remains in effect.

2. Prior to operating an authorized marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all applicable zoning regulations. The establishment shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.

3. Prior to operating an authorized marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating marihuana establishments, and generally applicable Township police power ordinances. The establishment shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.

4. An authorized marihuana establishment shall consent to inspection of the establishment by Township officials and the Pittsfield Township Police Department during hours of operation to verify compliance with this ordinance.

5. If at any time an authorized marihuana establishment violates this ordinance the Township Board may request that the state revoke or refrain from renewing the establishment's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Township authorization.

6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized marihuana establishment a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.

7. The Township expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized marihuana establishments authorized to operate within the Township.

XX.XX5 - ANNUAL MARIHUANA ESTABLISHMENT FEE There is hereby established an annual nonrefundable Township marihuana establishment fee in the amount of \$5,000, for each authorized marihuana establishment within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual marihuana establishment fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the marihuana establishment. Together with the annual marihuana establishment fee, each authorized marihuana establishment must certify, on a form provided by the Township, that no material information has changed since the most recent application or certification provided by the establishment, or detailing changes in material information. For purposes of this ordinance, material information includes but is not necessarily limited to information relating to ownership, criminal or other legal violations, and any other information which the State of Michigan requires to be reported by marihuana establishments.

#### XX.XX6 - VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall be \$500. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer, any Township police officer, or by such other person(s) as designated by the Township Board from time to time.

XX.XX7 - SEVERABILITY The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana establishments pursuant to the State Marihuana Laws, as may be amended.

XX.XX8 - REPEAL All ordinance or parts of ordinances in conflict herewith are hereby repealed.

XX.XX9 - EFFECTIVE DATE This ordinance shall take effect thirty days after Publication.



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**Proposed Draft Text:**

**SECTION 11.48 MEDICAL MARIHUANA OVERLAY DISTRICT**

**A. Intent**

The purpose of this Article is to implement land use regulations consistent with the provisions of the Michigan Medical Marihuana Facilities Licensing Act, so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which medical marihuana facilities can be operated in the Township. Further, the purpose of this Article is to:

1. Provide for a means of cultivation, processing, and distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes under, the Medical Marihuana Facilities Licensing Act (MCL 333.27101 et seq.) and the Marihuana Tracking Act (MCL 333.27901 et seq.).
2. Protect public health and safety through reasonable limitations on medical marihuana entities as they relate to noise, air and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns.
3. Provide for the location/placement of marihuana facilities in locations determined suitable for lawful marijuana facilities and to minimize adverse impacts regulating the siting, design, placement, security, and removal.
4. Impose fees to defray and recover the cost to the Township of the administrative and law enforcement costs associated with medical marihuana facilities; and
5. Coordinate with laws and regulations that may be enacted by the State addressing medical marihuana.

**B. Definitions**

Except as expressly defined below, all words and phrases shall have the meaning given in the definitions section of the Medical Marihuana Facilities Licensing Act, as appropriate.

1. Co-location – co-location means multiple marihuana licenses operating at the same location as allowed by MMFLA/MRTMA (MCL 333.27951 et seq.).

**C. Applicable**

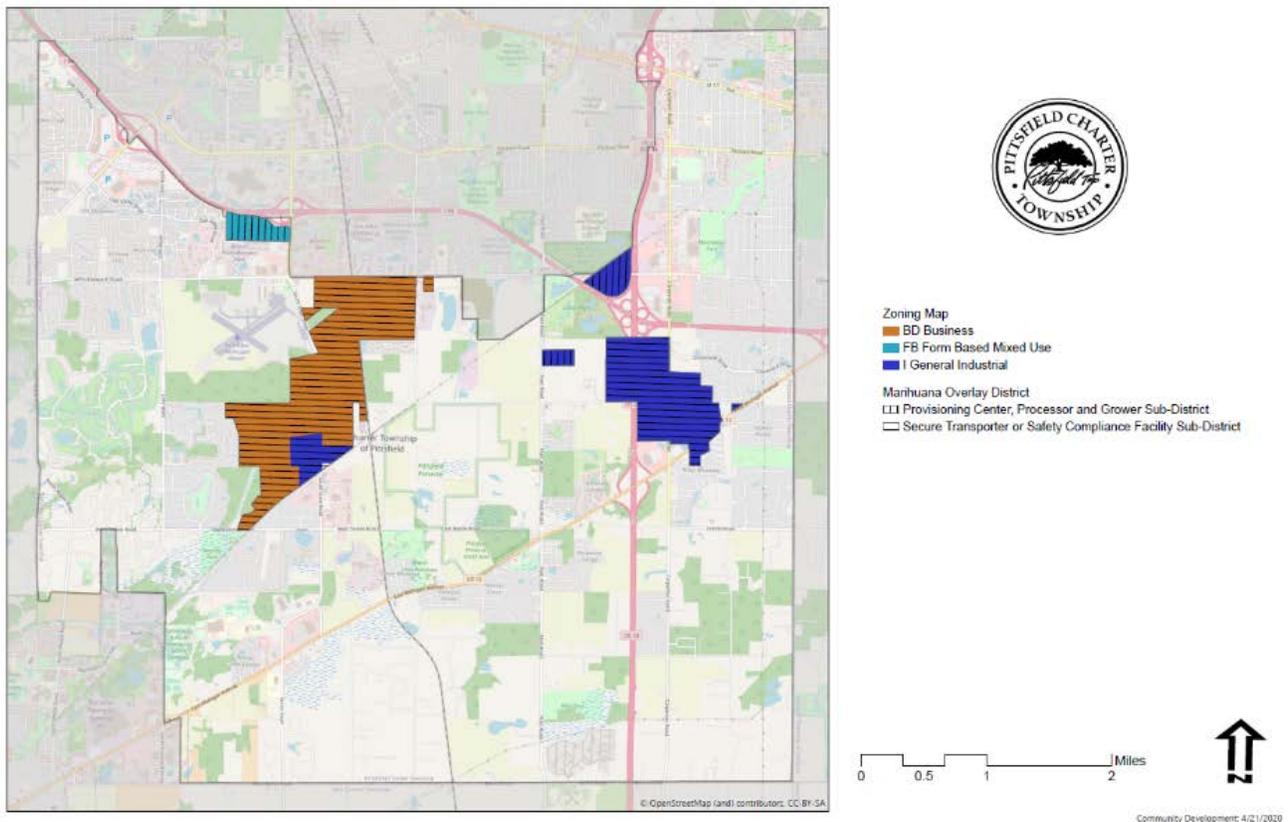
1. The overlay districts of this chapter apply in combination with the underlying base district to impose regulations and standards that address special geographic areas or land use issues.
2. In the event of conflict between overlay district regulations and the regulations of the underlying base district, the overlay district regulations govern. In all other cases, both the overlay district and base district regulations apply.

**D. Medical Marijuana facilities authorized.**

1. Pursuant to the MMFLA, Pittsfield Township authorizes the operation in the Township of the following marijuana facilities, provided they possess a state operating license issued under the MMFLA state license or licenses and they comply with the additional requirements of this chapter, and all other applicable laws and ordinances:
  - a. Grower, including Class A grower; Class B grower.
  - b. Processor
  - c. Provisioning Center
  - d. Secure transporter
  - e. Safety compliance facility
  - f. Marijuana microbusiness

**E. Geography.**

1. The boundaries of the overlay shall be set forth in the map below:



## 2. Sub-Districts

### a. Provisioning Center, Processor and Grower Sub-District

1. A Processor, Provisioning Center, or Grower as defined Act 281 of 2016 are permitted as a Conditional Use subject to the provisions of Article 10.
2. All other marihuana operations not expressly permitted in this ordinance are prohibited.

### b. Secure Transporter or Safety Compliance Facility Sub-District

1. A Secure Transporter and Safety Compliance Facility, as defined Act 281 of 2016 are permitted as a Conditional Use subject to the provisions of Article 10.
2. All other marihuana operations not expressly permitted in this ordinance are prohibited.

## F. Standards by Type

### 1. Grower. Applicable standards for grower facilities:

- a. All grower facilities and operations must be within an enclosed building.
- b. A grower may hold more than one class of grower license.

- c. Class A grower and Class B grower only permitted.
- d. A grower shall comply with all of the following:
  - 1. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by a marihuana business.
  - 2. A medical marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.
- 2. Processor. Applicable standards for processor facilities:
  - a. Only one marihuana processor facility license permitted per parcel or lot.
  - b. All Processing operations must be conducted within an enclosed building.
- 3. Secure transporter. Applicable standards for secure transporter:
  - a. A secure transporter license authorizes the storage and transport of marihuana, marihuana-infused products and money associated with the purchase or sale of marihuana and marihuana-infused products between marihuana facilities at the request of a person with legal custody of the marihuana, marihuana-infused products, or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver who is not a licensee.
- 4. Provisioning Center. Applicable standards for provisioning centers:
  - a. Only one provisioning Center license per parcel or lot.
  - b. All provisioning center activities must be conducted within an enclosed building.
  - c. A provisioning center license authorizes the provisioning center to transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.
  - d. No marihuana plants shall be located in a provisioning center.
- 5. Safety compliance facility. Applicable standards for safety compliance:
  - a. All testing must be conducted within an enclosed building.

#### **G. Regulations Applicable to All Districts**

- 1. All other applicable state laws, rules, and regulations.
- 2. No person shall establish or operate a medical marihuana commercial entity in the Township without first having obtained from the State a license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the facility. Failure to maintain or display a current license certificate shall be a violation of this Article subject to Section 3.07.
- 3. Applicant shall be fully licensed with the State of Michigan and any other required licensing body including compliance with all other applicable Township ordinances.
- 4. Standards

- a. It shall be unlawful to operate or cause to be operated a marihuana facility or establishment within:
  1. One thousand (1000) feet of any of the following:
    - i. A place of worship.
    - ii. A school or childcare facility.
  2. Five hundred (500) feet of another marihuana facility.
  3. Three hundred (300) feet of a public park.
  4. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above. If the marihuana retail sales operation is located in a multitenant structure, the distance shall be measured from the closest part of the tenant space occupied by the marihuana retail sales operation to the closest point on a property boundary or Pittsfield Township Zoning Ordinance 11:28 right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above.
- b. A marihuana facility or establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within the distances specified in this ordinance of the marihuana facility or establishment. However, if a marihuana facility or establishment ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Pittsfield Township Ordinances.
- c. Co-Location shall be permitted in accordance with the Medical Marihuana Facilities Licensing Act.
- d. A marihuana facility or establishment shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- e. Visibility of activities; control of emissions.
  1. All activities of marihuana commercial entities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted indoors and out of public view.
  2. No marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
  3. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and

correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

- f. Odor control.
  - 1. No person, tenant, occupant, or property owner shall permit the emission of any odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
  - 2. Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
  - 3. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
- g. Amount of marihuana. The amount of marihuana on the permitted property and under the control of the permit holder or owner or operator of the facility or establishment shall not exceed that amount permitted by the state license or applicable law.
- h. Sale of marihuana. The marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
- i. 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, including marihuana, on the permitted premises is prohibited except as expressly allowed by state law.
- j. Indoor operation. All activities of commercial marihuana facilities and marihuana establishments, 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 or establishment'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 odor is detectable outside the permitted premises.
- k. Distribution. No person operating a facility or establishment shall provide or otherwise make available marihuana to any person who is not legally authorized to receive marihuana under state law.
- l. 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, and harvesting of marihuana are located.
- m. Waste disposal. The permit holder, owner and operator of the facility or establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
- n. An authorized person shall consent to the entry into a marihuana facility by the Building Official and Zoning Inspector for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place

on the premises 2 or more days before the date of the inspection or sent by first class mail to the address of the premises 4 or more calendar days before the date of the inspection.

**H. Revocation.** Any approved Registered Marihuana Facility or Establishment that violates the terms of this ordinance is grounds for revocation of any or all approvals.



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**Proposed Draft Text:**

**SECTION 11.48 ADULT-USE MARIHUANA OVERLAY DISTRICT**

**A. Intent**

The purpose of this Article is to implement land use regulations consistent with the provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA), so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which adult-use marihuana facilities can be operated in the Township. Further, the purpose of this Article is to:

1. Provide for a means of cultivation, processing, and distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for adult purposes under, the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27001 et seq.) and the Marihuana Tracking Act (MCL 333.27901 et seq.).
2. Protect public health and safety through reasonable limitations on adult-use marihuana entities as they relate to noise, air and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns.
3. Provide for the location/placement of marihuana facilities in locations determined suitable for lawful marijuana facilities and to minimize adverse impacts regulating the siting, design, placement, security, and removal.
4. Impose fees to defray and recover the cost to the Township of the administrative and law enforcement costs associated with adult marihuana facilities; and
5. Coordinate with laws and regulations that may be enacted by the State addressing adult marihuana.

**B. Definitions**

Except as expressly defined below, all words and phrases shall have the meaning given in the definitions section of the Michigan Regulation and Taxation of Marihuana Act, as appropriate.

1. Co-location – co-location means multiple marihuana licenses operating at the same location as allowed by MMFLA/MRTMA.

### **C. Applicable**

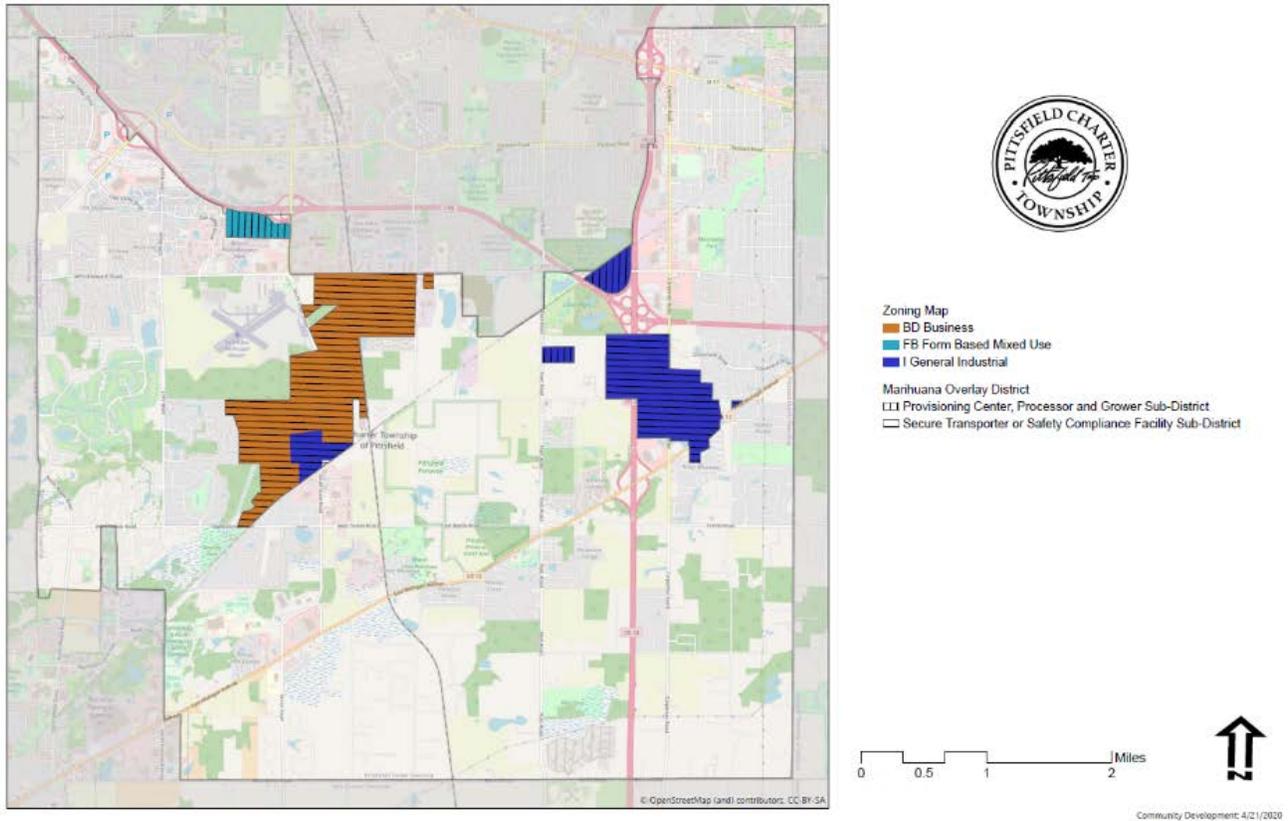
1. The overlay districts of this chapter apply in combination with the underlying base district to impose regulations and standards that address special geographic areas or land use issues.
2. In the event of conflict between overlay district regulations and the regulations of the underlying base district, the overlay district regulations govern. In all other cases, both the overlay district and base district regulations apply.

### **D. Adult-use Marijuana facilities Authorized**

1. Pursuant to the MRTMA, Pittsfield Township authorizes the operation in the Township of the following marijuana facilities, provided they possess a state operating license issued under the MRTMA state license or licenses and they comply with the additional requirements of this chapter, and all other applicable laws and ordinances:
  - a. Grower, including Class A grower; Class B grower.
  - b. Processor
  - c. Provisioning Center
  - d. Secure transporter
  - e. Safety compliance facility
  - f. Marijuana microbusiness

### **E. Geography**

1. The boundaries of the overlay shall be set forth in the map below:



## 2. Sub-Districts

### a. Provisioning Center, Processor and Grower Sub-District

1. A Processor, Provisioning Center, or Grower as defined in the Michigan Regulation and Taxation of Marihuana Act are permitted as a Conditional Use subject to the provisions of Article 10.
2. All other marihuana operations not expressly permitted in this ordinance are prohibited.

### b. Secure Transporter or Safety Compliance Facility Sub-District

1. A Secure Transporter and Safety Compliance Facility as defined in the Michigan Regulation and Taxation of Marihuana Act are permitted as a Conditional Use subject to the provisions of Article 10.
2. All other marihuana operations not expressly permitted in this ordinance are prohibited.

## F. Standards by Type

### 1. Grower. Applicable standards for grower facilities:

- a. All grower facilities and operations must be within an enclosed building.

- b. A grower may hold more than one class of grower license.
- c. Class A grower and Class B grower only permitted.
- d. A grower shall comply with all of the following:
  1. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by an adult-use marihuana business.
  2. An adult marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the adult-use marihuana business or at any adjoining use or property.
2. Processor. Applicable standards for processor facilities:
  - a. Only one processor facility license permitted per parcel or lot.
  - b. All processing operations must be conducted within an enclosed building.
3. Secure transporter. Applicable standards for secure transporter:
  - a. A secure transporter license authorizes the storage and transport of marihuana, marihuana-infused products and money associated with the purchase or sale of marihuana and marihuana-infused products between marihuana facilities at the request of a person with legal custody of the marihuana, marihuana-infused products, or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver who is not a licensee.
4. Provisioning center. Applicable standards for provisioning centers:
  - a. Only one provisioning center license per parcel or lot.
  - b. All provisioning center activities must be conducted within an enclosed building.
  - c. A provisioning center license authorizes the provisioning center to transfer marihuana to or from a safety compliance facility for testing by means of a secure transporter.
  - d. No marihuana plants shall be located in a provisioning center.
5. Safety compliance facility. Applicable standards for safety compliance:
  - a. All testing must be conducted within an enclosed building.

#### **G. Regulations Applicable to All Districts**

1. All other applicable state laws, rules, and regulations.
2. No person shall establish or operate an adult-use marihuana commercial entity in the Township without first having obtained from the State a license for each such facility to be operated. License certificates shall be kept current and publicly displayed within the facility. Failure to maintain or display a current license certificate shall be a violation of this Article subject to Section 3.07.
3. Applicant shall be fully licensed with the State of Michigan and any other required licensing body including compliance with all other applicable Township ordinances.
4. Standards

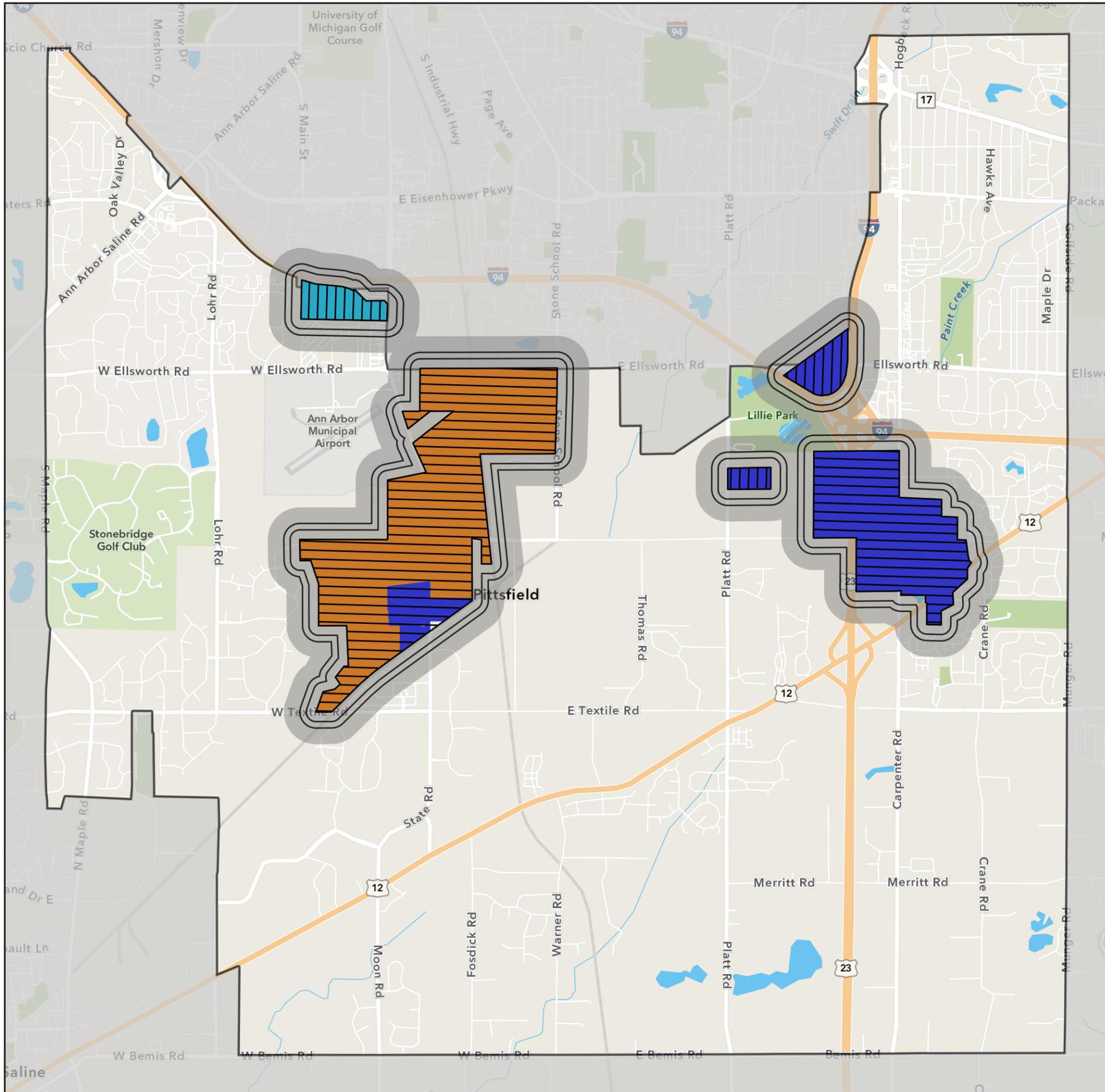
- a. It shall be unlawful to operate or cause to be operated a marihuana facility or establishment within:
  1. One thousand (1000) feet of any of the following:
    - i. A place of worship.
    - ii. A school or childcare facility.
  2. Five hundred (500) feet of another marihuana facility.
  3. Three hundred (300) feet of a public park.
  4. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above. If the marihuana retail sales operation is located in a multitenant structure, the distance shall be measured from the closest part of the tenant space occupied by the marihuana retail sales operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in subsection (1) and (2) above.
- b. A marihuana facility or establishment lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within the distances specified in this ordinance of the marihuana facility or establishment. However, if a marihuana facility or establishment ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the Pittsfield Township Ordinances.
- c. Co-Location shall be permitted in accordance with the Michigan Regulation and Taxation of Marihuana Act.
- d. A marihuana facility or establishment shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises or be delivered to or from the premises, between the hours of 9:00 p.m. and 7:00 a.m.
- e. Visibility of activities; control of emissions.
  1. All activities of marihuana commercial entities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted indoors and out of public view.
  2. No marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.
  3. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such

materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

- f. Odor control.
  - 1. No person, tenant, occupant, or property owner shall permit the emission of any odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
  - 2. Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.
  - 3. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
- g. Amount of marihuana. The amount of marihuana on the permitted property and under the control of the permit holder or owner or operator of the facility or establishment shall not exceed that amount permitted by the state license or applicable law.
- h. Sale of marihuana. The marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
- i. 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, including marihuana, on the permitted premises is prohibited except as expressly allowed by state law.
- j. Indoor operation. All activities of commercial adult-use marihuana facilities and marihuana establishments, 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 or establishment'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 odor is detectable outside the permitted premises.
- k. Distribution. No person operating a facility or establishment shall provide or otherwise make available marihuana to any person who is not legally authorized to receive marihuana under state law.
- l. 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, and harvesting of marihuana are located.
- m. Waste disposal. The permit holder, owner and operator of the facility or establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
- n. An authorized person shall consent to the entry into a marihuana facility by the Building Official and Zoning Inspector for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises 2 or more days before the date of the inspection or sent by first

class mail to the address of the premises 4 or more calendar days before the date of the inspection.

**H. Revocation.** Any approved registered marihuana facility or establishment that violates the terms of this ordinance is grounds for revocation of any or all approvals.



**Zoning Map**

- BD Business
- FB Form Based Mixed Use
- I General Industrial

**Marihuana Overlay District**

- Grower, Processor, Provisioning Center and Retailer Sub-District
- Secure Transporter or Safety Compliance Facility Sub-District

**District Buffers**

- 300ft
- 500ft
- 1000ft

