

**WINDSOR CHARTER TOWNSHIP
EATON COUNTY, MICHIGAN**

**ORDINANCE AMENDING THE WINDSOR CHARTER TOWNSHIP ORDINANCE
AUTHORIZING AND PERMITTING ADULT-USE MARIHUANA ESTABLISHMENTS**

ORDINANCE NO. 48

At a regular meeting of the Township Board of Windsor Charter Township, Eaton County, Michigan, held at the Windsor Township Hall on April 26, 2022, at 7:00 p.m., Township Board Member Clerk Rumsey moved to finally adopt the following Ordinance, which motion was seconded by Township Board Member Supervisor Slucter:

An Ordinance to amend the Windsor Charter Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments No.45, to eliminate the requirement that recreational Marihuana Establishments secure a corresponding license for a medical Marihuana Facility under the Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities.

THE CHARTER TOWNSHIP OF WINDSOR ORDAINS:

Section 1. Amendment to Section 2. Section 2 of the Windsor Charter Township Michigan Regulation and Taxation of Marihuana Ordinance, Ordinance No.45, shall be amended to remove the requirement to also obtain a similar commercial medical marihuana permit and read as follows:

SECTION 2. PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE; ELIGIBILITY; GENERAL PROVISIONS.

1. The Township hereby authorizes the operation of the following types of Marihuana Establishments, subject to the number of available Permits issued in this Section:
 - a. MRTMA Marihuana Growers, Class A - cultivation of not more than 100 marihuana plants; and
 - b. MRTMA Marihuana Growers, Class B - cultivation of not more than 500 marihuana plants; and
 - c. MRTMA Marihuana Growers, Class C - cultivation of not more than 2,000 marihuana plants; and
 - d. Marihuana Processors; and
 - e. Marihuana Safety Compliance Facilities; and

- f. Marihuana Secure Transporters.
2. The number of Marihuana Establishment Permits in effect at any time shall not exceed the following maximums within the Township, except as already established by resolution:
- a. Marihuana Grower Permits, Class A: **10**
 - b. Marihuana Grower Permits, Class B: **10**
 - c. Marihuana Grower Permits, Class C: **100**
 - d. Marihuana Processor Permits: **10**
 - e. Marihuana Safety Compliance Facility Permits: **5**
 - f. Marihuana Secure Transporter Permits: **3**
 - g. Marihuana Retailer Permits: **0**
 - h. Marihuana Microbusiness: **0**
 - i. Excess Marihuana Grower Permits: **0**
 - j. Designated Consumption Establishment: **0**
 - k. Marihuana Event Organizer: **0**
 - l. Temporary Marihuana Event: **0**

The Township Board may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.

3. It shall be unlawful for any person to engage in, or be issued a Permit for, the operation of the following Marihuana Establishments:
- a. Marihuana Retailer Permits
 - b. Marihuana Microbusiness
 - c. Excess Marihuana Grower Permits
 - d. Designated Consumption Establishment
 - e. Marihuana Event Organizer

f. Temporary Marihuana Event

4. No Person shall operate a Marihuana Establishment at any time and at any location within the Township unless an effective Permit for a Marihuana Establishment for that Person at that location has been issued under this Ordinance.
5. Marihuana Establishments shall operate only as expressly allowed under this Ordinance.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of Application, each Applicant shall pay applicable fees, including Application fees, annual fees, renewal fees, transfer fees, and inspection fees for Permits to the Township to defray the costs incurred by the Township for inspection, administration, review, oversight, and enforcement of the local regulations regarding Marihuana Establishments. The application fee shall be \$2,500.00. The Township Board shall by resolution set all remaining fees in an amount not to exceed any limitations imposed by Michigan law.
8. A Permit or Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder and shall remain valid only until the June 1 immediately following its approval. A completed Application or Renewal Application must be received by the Township Clerk no later than March 31 of each year in order to grant or renew the Permit effective on June 1 of that year.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. It is always the exclusive responsibility of each Permit Holder, Applicant, owner, partner, director, officer, or manager at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or Township Permit.
11. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and other applicable Ordinances and the transfer has been authorized under this Ordinance by the Township Board. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property, except for a change in location requested as part of a renewal application.
12. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit, whether through a single transaction

or the combined sum of multiple transactions, is permitted unless the transferee has submitted an appropriate Application and all required fees under this Ordinance.

13. The Permit issued under this Ordinance shall at all times be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
14. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and, employees, for any state, federal or local fire, emergency, or law enforcement agency to conduct random and unannounced examinations of the Establishment and all records, materials, and property in that Establishment at any time to ensure compliance with this Ordinance, state law, any other local regulations, and the Permit.
15. A Permit Holder may not engage in any other Marihuana Establishment in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.

SECTION 2. AMENDMENT TO SECTION 5. Section 5 of the Windsor Charter Township Michigan Regulation and Taxation of Marihuana Ordinance, Ordinance No.45, shall be amended to remove from Subsection 5.1 the requirement that a Marihuana Establishment also operate with a commercial medical marihuana permit and read as follows:

SECTION 5. OPERATIONAL REQUIREMENTS–MARIHUANA ESTABLISHMENT. A Marihuana Establishment 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.* Marihuana Establishments shall comply with all applicable codes, including local zoning, building, and health departments, except to the extent that they are inconsistent with the MRTMA or this Ordinance. The Establishment must hold a valid local Permit and valid state License under the MRTMA for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Establishment operator, owner, Licensee or Permit Holder must have documentation available that demonstrates full compliance with all local and State sales tax requirements, including holding any Permits or Licenses, if applicable.
2. *Required Documentation.* Each Marihuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Marihuana Establishment shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Marihuana Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter 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; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Establishment overnight, except for Marihuana actively grown in a Grower Establishment; and
 - d. All Marihuana in whatever form stored at the 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 upon request for inspection.
4. *Required Spacing.* No Marihuana Establishment shall be located within five-hundred (500) feet from any educational institution or school, college or university, church, or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property.
5. *Co-location with Certain Commercial Medical Marihuana Facilities and Adult-Use 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 also operating with a Marihuana Grower or Marihuana Processor, operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 - b. A Marihuana Grower or a Marihuana Processor, may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department.

- c. Co-location of Establishment Permits is permitted under applicable rules and regulations of the Department.
6. *Stacked License.* An Applicant for a grower establishment may apply to stack another grower permit at the Establishment or Permitted Premises. The applicant shall be subject to the same requirements as a renewal permit application, including payment of a separate application fee for each stacked permit. Permits or Licenses may only be stacked consistent with state law and the rules and regulations 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 Establishment 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 Establishment is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
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, including Marihuana, on the Permitted Premises is prohibited.
11. *Indoor Operation.* All activities of 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 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 nuisance odor is detectable at the property line of the Permitted Premises.
12. *Distribution.* No person operating an Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.

13. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Licensed Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
14. *Waste Disposal.* The Permit Holder, owner and operator of the Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
15. *Transportation.* Marihuana may be transported for home delivery as authorized by this Ordinance or by a Marihuana 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 transport Marihuana;
 - 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.
16. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marihuana Establishment 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 3. SEVERABILITY. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 4. SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect the day following publication or posting after final adoption by the Township Board.

YEAS: Pisano, Pray, Fritts, Slucter and Rumsey

NAYS: None

ABSENT/ABSTAIN: Myers and Piper

INTRODUCED FOR FIRST READING, POSTING, PUBLICATION AND SUBSEQUENT FINAL ADOPTION:

Kern Slucter, Windsor Charter Township Supervisor