

TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO, STATE OF MICHIGAN

ORDINANCE NO. 205

ADOPTED: NOVEMBER 14, 2017

EFFECTIVE: DECEMBER 20, 2017

MEDICAL MARIHUANA FACILITIES ORDINANCE

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 Ross Township 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 TOWNSHIP OF ROSS

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the Ross Township Medical Marihuana Facilities Ordinance.

SECTION II
DEFINITIONS

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.

SECTION III
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 PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance:

- a) Unlimited growers shall be authorized in the Township, which number shall include all of the following Class A, Class B and Class C growers authorized in the Township.
 - 1. Unlimited Class A growers (500 marihuana plants) may be permitted in the Township.
 - 2. Unlimited Class B growers (1,000 marihuana plants) may be permitted in the Township.
 - 3. Unlimited Class C growers (1,500 marihuana plants) may be permitted in the Township.
- b) Unlimited processors shall be authorized in the Township.
- c) No provisioning centers shall be authorized in the Township.
- d) Unlimited safety compliance facility shall be permitted in the Township.
- e) Unlimited secure transporters shall be permitted in the Township.

2. On and after December 18, 2017, 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 application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the Township. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time and receive refund of the initial annual medical marihuana fee submitted.

3. Within thirty days from conditional authorization by the Township or from December 15, 2017, whichever is later, the conditionally authorized application must submit proof to the Clerk that the applicant has applied for prequalification from the State of Michigan for a state operating license or has submitted a full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

4. 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 and the conditional authorization shall be

available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

5. A conditionally authorized applicant shall receive full authorization from the Township to operate the medical marihuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marihuana 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.

6. 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 canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

SECTION IV
GENERAL REGULATIONS REGARDING
AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. A authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, 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 marihuana 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 marihuana 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 marihuana 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 marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.

5. If at any time an authorized medical marihuana 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 and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III(2) herein.

6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana 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.

SECTION V
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.

SECTION VI
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 of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION VII
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 facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX
EFFECTIVE DATE

This ordinance shall take effect December 20, 2017.

ROSS TOWNSHIP
Norm Kellogg, Clerk
12086 M-89
Richland, MI 49083
(269) 731-4888

TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
ROSS TOWNSHIP ORDINANCE NO. 209

ADOPTED: JANUARY 9, 2018

**EFFECTIVE: EIGHT DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

ZONING ORDINANCE TEXT AMENDMENTS

An Ordinance to adopt various amendments to the Ross Township Zoning Ordinance; to provide for severability; and to provide an effective date and repeal all Ordinances or parts of Ordinances in conflict herewith.

TOWNSHIP OF ROSS
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I
AMENDMENT TO ARTICLE 2, SECTION 2.2, REGARDING DEFINITION OF
TERMS

Article 2, Section 2.2, Definition of Terms of the Ross Township Zoning Ordinance is hereby amended to add the term and definition for “Commercial Medical Marihuana Facility” as follows:

Commercial Medical Marihuana Facility (or Facility): The term may include any of the following:

1. Grower Facility, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorized by Ordinance No. 205.

2. Processor Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 205.
3. Safety Compliance Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 205.
4. Secure Transporter Facility, as that term is defined in the MMFLA and authorized by Ordinance No. 205.

SECTION II

AMENDMENT TO ARTICLE 4 – AG AGRICULTURAL PRESERVATION DISTRICT, SECTION 4.3, REGARDING SPECIAL LAND USES

Article 4, Section 4.3 of the Ross Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

- L. Grower Facility – Class A, Class B and Class C.
- M. Processor Facility, when located on the same site as a Grower Facility.

SECTION III

AMENDMENT TO ARTICLE 5 – RURAL RESIDENTIAL DISTRICT, SECTION 5.3, REGARDING SPECIAL LAND USES

Article 5, Section 5.3 of the Ross Township Zoning Ordinance pertaining to Special Land Uses is hereby amended to add the following subsections:

- V. Grower Facility – Class A, Class B and Class C.
- W. Processor Facility, when located on the same site as a Grower Facility.

SECTION IV

AMENDMENT TO ARTICLE 12, I-R RESTRICTED INDUSTRIAL DISTRICT, SECTION 12.3, REGARDING SPECIAL LAND USES

Article 12, I-R Restricted Industrial District, Section 12.3 of the Ross Township Zoning Ordinance regarding special land uses is hereby amended to add the following subsections:

- D. Grower Facility – Class A, Class B and Class C.
- E. Processor Facility.
- F. Safety Compliance Facility.
- G. Secure Transporter Facility.

SECTION V

AMENDMENT TO ARTICLE 20, STANDARDS REQUIRED OF SPECIAL LAND USES, REGARDING SPECIAL LAND USES

Article 20, Standards Required of Special Land Uses, of the Ross Township Zoning Ordinance is hereby amended to add the following special land use:

<u>SPECIAL LAND USE</u>	<u>MINIMUM REQUIRED STANDARDS</u>
Commercial Medical Marihuana Facility	36

SECTION VI

AMENDMENT TO ARTICLE 20, STANDARDS REQUIRED OF SPECIAL LAND USES, BY ADDING ITEM 36 – COMMERCIAL MEDICAL MARIHUANA FACILITIES

Article 20, Standards Required of Special Land Uses, of the Ross Township Zoning Ordinance is hereby amended to add “Item 36” and will read as follows:

- Item 36. Commercial Medical Marihuana Facilities
 - A. A Commercial Medical Marihuana Facility may be authorized to operate within the Township by the holder of a state operating license, pursuant to PA 281 of 2016, as may be amended, the Rules promulgater thereunder, and all applicable local ordinances.
 - B. No Commercial Medical Marihuana Facility shall be located within 500 feet of any school or public park/playground, with the minimum distance between uses measured between the Facility and the nearest property line of the school or public park/playground.
 - C. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When

required, an outdoor trash container or dumpster shall be subject to the follows:

1. The placement of the container shall be subject to site plan review.
2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
3. All containers shall rest on a concrete pad.
4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

D. A Commercial Medical Marihuana Facility shall be reviewed in consideration of the following:

1. Lighting – the placement and arrangement of outdoor lighting serving the facility shall provide adequate security and comply with the purpose, objectives and standards set forth in Section 18.3 – Outdoor Lighting.
2. Noise – Noise and vibrations shall be minimized in their effect upon the surrounding area by the utilization of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
3. Odor – Odor shall be minimized in its effect upon the surrounding area by the utilization of a modern odor control system designed to accomplish such minimization and operational procedures.
4. Environmental – Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
5. Traffic – A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominately residential area.

6. Security – Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
7. Impact on Neighboring Property – Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

SECTION VII
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision hereof is declared void of unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION VIII
EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect eight (8) days after publication after adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Norm Kellogg, Clerk
Ross Township