

ALMENA TOWNSHIP
VAN BUREN COUNTY, MICHIGAN

ORDINANCE AMENDING ORDINANCE 2022-04 ADULT-USE MARIHUANA
TO ALLOW CLASS C GROWERS

ORDINANCE NO. 2024- 02

At a regular meeting of the Township Board of Almena Township, Van Buren County, Michigan, held at the Almena Township Hall on June 12, 2024, at 6:30 p.m., Township Board Member *M. Roman* moved to adopt the following Ordinance, which motion was seconded by Township Board Member *Pat Terry-Dyer*

An Ordinance amending the Almena Township Recreational Marihuana Establishments Ordinance 2022-04 to allow Class C Grower Establishments and remove 500 plant limits as provided in this Ordinance, in order to maintain the public health, safety, and welfare of the residents and visitors to the Township.

THE TOWNSHIP OF ALMENA ORDAINS:

SECTION 1. AN AMENDMENT TO SECTION 2: Section 2—having a catch line of Permit Required; Number of Permits Available; Eligibility; General Provisions—of Ordinance No. 2022-04 shall be amended to allow two Class C Growers and to read as follows:

Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.

- I. 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. Marihuana Growers, Class B - cultivation of not more than 500 marihuana plants; and
 - b. Marihuana Growers, Class C - not more than 2,000 marihuana plants; and
 - c. Marihuana Microbusinesses; and
 - d. Marihuana Processors; and
 - e. Marihuana Retailers; and
 - f. Marihuana Safety Compliance Facilities; and
 - g. Marihuana Secure Transporters.
 - h. Marihuana Microbusiness

2. The number of Marihuana Establishment Permits in effect at any time shall be set by the Township Board via Resolution. The initial number of available Permits are as follows:
 - a. Marihuana Grower Permits, Class A: Zero
 - b. Marihuana Grower Permits, Class B: Zero
 - c. Marihuana Grower Permits, Class C: **TWO (2)**
 - d. Marihuana Processor Permits: Zero
 - e. Marihuana Safety Compliance Facility Permits: Zero
 - f. Marihuana Secure Transporter Permits: Zero
 - g. Marihuana Retailer Permits: **TWO (2)**
 - h. Marihuana Microbusiness: **ONE (1)**
 - i. Excess Marihuana Grower Permits: Zero
 - j. Designated Consumption Establishment: Zero
 - k. Marihuana Event Organizer: Zero
 - l. Temporary Marihuana Event: Zero

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 Growers, Class A
 - b. Excess Marihuana Grower Permits
 - c. Designated Consumption Establishment
 - d. Marihuana Event Organizer
 - e. 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. All Permit approvals under this Ordinance are contingent upon the issuance of a Special Land Use Permit under the Township Zoning 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 state or local laws, regulations, codes, or ordinances. All Permit Holders must secure any building, mechanical, plumbing, electrical and any other construction permit as required by the building official.
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 \$5,000.00. 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 one year immediately following its approval.
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. Renewal applications are not subject to competitive review.
10. It is always the sole and 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.

- 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 30 days by the Permit Holder and made available to any law enforcement agency upon request for inspection.
4. *Operating Hours.* No Retailer or retail aspect of a Microbusiness shall operate between the hours of 9:00 p.m. and 7:00 a.m.
5. *Required Spacing.*
- a. In this subsection, “school” means a public school, special education building operated by an intermediate school district or school district, state approved nonpublic school, or a vocational education building operated by an intermediate school district or school district as those terms are defined in the Revised School Code, MCL 380.1 et seq.
 - b. In this subsection, any distance shall be measured horizontally between the nearest outside wall of the proposed Permitted Premises to the nearest outside wall of a building with a sensitive land use identified in this subsection, or to the outside limits of an outdoor area used in conjunction with the sensitive land use.
 - c. No Marihuana Establishment shall be located or operated within one thousand (1,000) feet from any school, licensed childcare centers, places of worship or public parks if such uses are in existence at the time the Township issues its approval of the Establishment’s initial Application.
 - d. A waiver from required spacing may be granted by the Township Board in any one of the following cases, except minimum distances from schools:
 - 1) The owner of the licensed childcare center, place of worship or public park within 1,000 feet of the proposed Establishment provides a signed and notarized statement stating they have no objection to the proposed Establishment; or

- 2) The Township Board finds that the operation of the Marihuana Establishment will not have a detrimental effect on the childcare center, place of worship or public park within 1,000 feet of the proposed Establishment.
6. *Colocation with Certain Commercial Medical Marihuana Facilities and Adult-Use Establishments.* Subject to underlying zoning restrictions, the following colocation is permitted:
 - a. A Grower Facility, Processor Facility, or Provisioning Center operating pursuant to the MMFLA may operate from within a single facility also operating with a Marihuana Grower, Marihuana Processor, or Marihuana Retailer operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 - b. A Marihuana Grower, Marihuana Processor, or Marihuana Retailer may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 - c. Colocation of Establishment Permits is permitted under applicable rules and regulations of the Department.
7. *Stacked License.* Stacking is not permitted.
8. *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.
9. *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.
10. *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.
11. *Use of Marihuana or other substances.* 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.
12. *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.

13. *No Nuisance.* The acquisition, possession, cultivation, use, delivery, distribution, processing, sale, or transfer of Marihuana within the Township shall not create a public nuisance which unreasonably disturbs or annoys the quiet, comfort, or repose of a reasonable person of normal sensitivities in the vicinity. No person shall commit, create, or maintain such public nuisance including by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazard, light pollution, toxic chemicals, or other public nuisance conditions that would offend a reasonable person of normal sensitivities.
14. *Control and Mitigation of Odor.* Odors from cultivating, growing, manufacturing, and processing must be abated to the fullest extent reasonably possible through the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building from which the odor is generated. Air scrubbing and carbon filtration systems shall be required unless the Township Board or its designated representative approves of Reasonably Available Odor Control Technology for a specific premises.
15. *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.
16. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises, including those areas in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting, processing, or testing of Marihuana are located.
17. *Unpermitted Growing.* A customer may not grow his or her own Marihuana at an Adult-Use Marihuana Establishment.
18. *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.
19. *Transportation.* Marihuana may be transported 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.
20. *Two Year Operation.* The Township may deny renewal of any Permit to a Marihuana Establishment that does commence operations within two years of the issuance of the Permit.
21. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marihuana Establishment special land 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 the date of publication after adoption by the Township Board.

YEAS: J. Wagner, J. Kloosterman, Pat Denny-Dijet, S. Rickli

NAYS: Ø

ABSENT: Recused - Joe Leduc
 (Acting Chair Not voting - Kevin Kestner)
 ORDINANCE DECLARED ADOPTED 3-0

 Joe Leduc, Almena Township Supervisor

Sandra B. Rickli
 Sandra B. Rickli, Almena Township Clerk