

**MUSKEGON CHARTER TOWNSHIP
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

AN ORDINANCE TO ADD CHAPTER 5 TO THE
MUSKEGON CHARTER TOWNSHIP CODE OF ORDINANCES

Ordinance No. 19-7

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. That Chapter 5 “Marihuana Licensing Ordinance” be added to the Muskegon Charter Township Code of Ordinances as follows:

CHAPTER 5 –MARIHUANA LICENSING ORDINANCE

Sec. 5-1. – Title

This ordinance shall be known and cited as the Muskegon Charter Township Marihuana Licensing Ordinance.

Sec. 5-2. – Purpose

The purpose of this ordinance is to regulate and license the conduct of activity pursuant to the Michigan Regulation and Taxation of Marihuana Act of 2018, the Michigan Marihuana Act, Public Act 1 of 2008 as amended, the Marihuana Facilities Licensing Act, Public Act 281 of 2016 as amended, and the Marihuana Tracking Act, Public Act 282 of 2016 as amended (the Acts) in order to:

- A) *Protect the health, safety, and welfare of the general public.*
- B) *Establish a set of rules and regulations which are fair and equitable for those interested in establishing Marihuana Facilities in compliance with the Acts:*
- C) *Provide reasonable regulation pursuant to the Muskegon Charter Township general police power granted to townships by the Michigan Constitution of 1963 and the Township Ordinances Act, MCL 41.181 et seq.*

Muskegon Charter Township does not intend that registration and regulation under this ordinance be construed as a finding that such businesses and activities are legal under federal law. By requiring registration and compliance with requirements as provided in this ordinance, Muskegon Charter Township intends to protect, to the extent possible, the public health, safety and welfare of the residents of and visitors to Muskegon Charter Township from harm that may result from the activities of persons who unilaterally or on the advice of their own attorney determine that they may legally operate a business involved in the cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana.

Nothing in this ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution, for cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana not in strict compliance with the Acts.

This ordinance permits authorization for certain activities based on the Acts. Nothing in this ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana not in strict accordance with the express authorization of the Act and this ordinance; and, nothing in

this ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity, and the approval of a license under this ordinance shall not have the effect of superseding or nullifying federal law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

Sec. 5-3. – Legal Basis

This ordinance is enacted pursuant to the statutory authority granted by MCL 41.181 et seq authorizing the Muskegon Charter Township to adopt licensing ordinances and regulations to secure the public health, safety and general welfare.

Sec. 5-4. – Definitions

For purposes of this ordinance, terms and words defined by the Acts shall have the same meaning as provided in those Acts.

Additionally, certain terms and words used herein shall have the following meaning:

- A) *Act or Acts mean the Michigan Regulation and Taxation of Marihuana Act of 2018, the Michigan Marihuana Act, Public Act 1 of 2008 as amended, the Marihuana Facilities Licensing Act, Public Act 281 of 2016, and the Marihuana Tracking Act, Public Act 282 of 2016, and all related Michigan Administrative Rules, as amended.*
- B) *Applicant means a person who applies for a license under this ordinance and includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.*
- C) *Licensee means a person holding a license from Muskegon Charter Township under this ordinance and also holding a state operating license.*
- D) *Marihuana means marihuana grown, used, tested, or transferred for use as defined by the Acts.*
- E) *Marihuana Grower means a licensee that is a commercial entity located in Muskegon Charter Township that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.*
- F) *Marihuana Provisioning Center means a licensee that is a commercial entity located in Muskegon Charter Township that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to end users. Provisioning center includes any commercial property where marihuana is sold at retail to end users. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department’s marihuana registration process in accordance with the Michigan marihuana act is not a provisioning center for purposes of this ordinance.*
- G) *Marihuana Facility means a location at which a license holder is licensed to operate under this ordinance.*

- H) *Marihuana Processor means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.*
- I) *Marihuana Safety Compliance Facility means a licensee that is a commercial entity that receives marihuana from a marihuana facility, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.*
- J) *Marihuana Secure Transporter means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.*
- K) *Person means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.*

Sec. 5-5. – Regulations for Marihuana Growers

Marihuana Grower shall comply at all times with the following:

- A) *A Marihuana Grower shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.*
- B) *A Marihuana Grower shall have at all times a valid license, pursuant to this ordinance, from Muskegon Charter Township.*
- C) *A Marihuana Grower shall have at all times a valid license from the State Marihuana Licensing Board created by the Acts.*
- D) *No Distribution of Marihuana to any end users may take place at a Marihuana Grower.*
- E) *A Marihuana Grower may grow no more marihuana plants than allowed pursuant to its license from the State Marihuana Licensing Board for one of the following classes:*
 - 1. *Medical Class A – 500 marihuana plants (or as amended by the Acts or state regulation).*
 - 2. *Medical Class B – 1,000 marihuana plants (or as amended by the Acts or state regulation).*
 - 3. *Medical Class C -- 1,500 marihuana plants (or as amended by the Acts or state regulation).*
 - 4. *Recreational Class A – 100 marihuana plants (or as amended by the Acts or state regulation).*
 - 5. *Recreational Class B – 500 marihuana plants (or as amended by the Acts or state regulation).*
 - 6. *Recreational Class C – 2,000 marihuana plants (or as amended by the Acts or state regulation).*
- F) *A Marihuana Grower may only transfer marihuana plants to a grower by means of a secure transporter pursuant to the Acts. A grower license authorizes a grower to transfer marihuana without using a secure transporter to a processor or provisioning center if both of the following are met:*

1. *The processor or provisioning center occupies the same location as the grower and the marihuana is transferred using only private real property without accessing public roadways.*
 2. *The grower enters each transfer into the statewide monitoring system.*
- G) *All marihuana plants or products must be contained within the Marihuana Grower's facility. The plants must be in an enclosed, locked facility that restricts and prevents access by any persons other than those allowed and meeting all state requirements.*
- H) *Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.*
- I) *All activities shall be conducted so as not to create or permit trespass of spillage of dust, glare, sound, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.*
- J) *All activities shall be conducted so as not to be visible in any way from neighboring properties, adjacent streets of public right of ways.*
- K) *A Marihuana Grower is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and Muskegon Charter Township Code of Ordinances.*

Sec. 5-6. – Regulations for Marihuana Provisioning Center

A Marihuana Provisioning Center shall comply at all times with the following:

- A) *A Marihuana Provisioning Center shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.*
- B) *A Marihuana Provisioning Center shall have at all times a valid license, pursuant to this ordinance, from Muskegon Charter Township.*
- C) *A Marihuana Provisioning Center shall have at all times a valid license from the State Marihuana Licensing Board created by the Acts.*
- D) *A Provisioning Center may transfer marihuana to or from a safety compliance facility for testing.*
- E) *All transfers to or from a separate marihuana facility must be by means of a secure transporter.*
- F) *No use of marihuana shall be allowed at a Provisioning Center.*
- G) *A Provisioning Center is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and Muskegon Charter Township Code of Ordinances.*

- H) *Provisioning Centers shall not be open for retail business between the hours of 10 pm and 8 am.*

Sec. 5-7. – Regulations for Marihuana Processor

A Marihuana Processor shall comply at all times with the following:

- A) *A Marihuana Processor shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.*
- B) *A Marihuana Processor shall have at all times a valid license, pursuant to this ordinance, from Muskegon Charter Township.*
- C) *A Marihuana Processor shall have at all times a valid license from the State Marihuana Licensing Board created by the Acts.*
- D) *A Processor may only purchase marihuana from a grower and may only sell marihuana-infused products or marihuana to a Provisioning Center or another Processor.*
- E) *A Processor may only transfer marihuana by means of a secure transporter.*
- F) *A Marihuana Processor is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and Muskegon Charter Township Code of Ordinances.*

Sec. 5-8. – Regulations for Marihuana Secure Transporter

A Marihuana Secure Transporter shall comply at all times with the following:

- A) *A Marihuana Secure Transporter shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.*
- B) *A Marihuana Secure Transporter shall have at all times a valid license, pursuant to this ordinance, from Muskegon Charter Township.*
- C) *A Marihuana Secure Transporter shall have at all times a valid license from the State Marihuana Licensing Board created by the Acts.*
- D) *A Secure Transporter may store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money.*
- E) *A Secure Transporter may not transport to a end user.*
- F) *No Secure Transporter or investor therein may have an interest in a Grower, Processor, Provisioning Center or Safety Compliance Facility and must not be a Registered Primary Caregiver or a Registered Qualifying Patient.*

- G) *A Secure Transporter is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and Muskegon Charter Township Code of Ordinances.*

Sec. 5-9. – Regulations for Marihuana Safety Compliance Facility

- A) *A Marihuana Safety Compliance Facility shall comply at all times with the Acts and Administrative Rules, as they may be amended from time to time.*
- B) *A Marihuana Safety Compliance Facility shall have at all times a valid license, pursuant to this ordinance, from Muskegon Charter Township.*
- C) *A Marihuana Safety Compliance Facility shall have at all times a valid license from the State Marihuana Licensing Board created by the Acts.*
- D) *A Safety Compliance Facility may receive marihuana from, test marihuana for, and return marihuana to a marihuana facility only.*
- E) *A Safety Compliance Facility must be accredited or have a variance pursuant to the Acts.*
- F) *No Safety Compliance Facility owner or investor may have an interest in a Grower, Secure Transporter, Processor, or Provisioning Center.*
- G) *A Safety Compliance Facility must have a secured laboratory space that cannot be accessed by the general public.*
- H) *A Safety Compliance Facility is subject to administrative inspection at any time by a law enforcement officer, fire inspector, building official or zoning administrator to determine compliance with the Acts, International Fire Code, Michigan Building Code and Muskegon Charter Township Code of Ordinances.*

Sec. 5-10. – License Required

- A) *No Marihuana Facility, whether proposed, or existing at time of enactment of this ordinance, shall be permitted within Muskegon Charter Township unless such location shall have obtained a current License under this ordinance as follows:*
 - 1) *A complete site plan approved by the Muskegon Charter Township Planning Commission pursuant to Chapter 58 Article VIII of the Muskegon Charter Township Code of Ordinances.*
 - 2) *A Muskegon Charter Township Commercial Medical and/or Recreational Marihuana License issued by the Muskegon Charter Township Board pursuant to Chapter 58 Article XI of the Muskegon Charter Township Code of Ordinances.*
 - 3) *The exact location of a Facility used for the Marihuana shall be clearly identified on the License;*

- 4) *The License requirement applies to all Marihuana Facilities that are proposed or existing on the effective date of this ordinance.*
- B) *Issuance of a License does not waive any other licensing and permitting requirement imposed by any other state or local law.*
- C) *A License shall be valid for the period specified in Section 5-11 (J), unless revoked for violation(s), in which case it is considered to be null and void.*
- D) *No License is transferable or assignable to any other location.*

Sec. 5-11. – License Application

Any License issued under this ordinance is specific to the licensed person(s) and location. Any change in ownership in any manner requires a license transfer of ownership application and approval by the Muskegon Charter Township Board of Trustees. Any change in location requires forfeiture of existing license and application for a new license pursuant to Section 5-10. Applicants shall make application to the Zoning Administrator and applications shall include the following:

- A) *The address and legal description of the premises which is to be used as a Marihuana Facility.*
- B) *Describe the Facility, and all enclosed, locked areas within the Facility as required by Michigan law.*
- C) *If a Provisioning Center, describe all locations in the premises where the sale or transfer to a consumer shall take place. (i.e. a detailed floor plan)*
- D) *If a Grower, specify the Class under which the Grower seeks the license. Include a statement attesting and consenting that all activities will be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways and consenting that all artificial lighting must and will be shielded to prevent glare and light trespass and must not and will not be visible, from neighboring properties, adjacent streets or public right of ways.*
- E) *The name and address of all owners of the real property where the Marihuana Facility is located, including a statement by each owner attesting to their knowledge, understanding, and approval of such activity upon their property.*
- F) *Name, address, and other contact information of all Applicants as defined above. A statement attesting whether an Applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.*

- G) *Documentation demonstrating that the proposed Marihuana Facility meets the requirements of all other local, state and federal ordinances and codes.*
- H) *Verification of prequalification from the State of Michigan for Marihuana Facilities License.*
- I) *Payment of a non-refundable License fee, which shall be determined by resolution of the Muskegon Charter Township Board.*
- J) *All new licenses issued will be for the remainder of the calendar year plus one year, regardless of the date of issuance. License holder must make renewal application pursuant to Section 5-13. Renewed licenses will be for a calendar year January 1 to December 31.*

Sec. 5-12. – License Standards

The standards for approval of all Marihuana Facilities are as follows:

- A) *The Facility complies with zoning.*
- B) *A Marihuana Grower’s Facility shall occur inside of an enclosed, locked facility within the confines of a building, and such activities shall occur only in locations not visible to the public and adjoining uses.*
- C) *The Application meets all requirements found in this Licensing Ordinance.*
- D) *An Applicant shall meet all requirements found in the Acts, including issuance of a current, valid State license.*
- E) *The Applicant has signed and sworn that the Applicant has not knowingly submitted an Application containing false information.*

Sec. 5-13. – Renewal or Amendment to License

The same procedures for application and issuance of a new License shall apply to the renewal or amendment, of an existing License, subject also to the following:

- A) *To renew an existing License, the Licensee shall submit an application with full supporting documentation, in the same manner and degree as is required to apply for a new License, no sooner than ninety (90) days before the expiration date and no later than sixty (60) days before the expiration date. If there are no changes of any kind to the prior year’s application and approval, planning commission review is not necessary and the Muskegon Charter Township Board shall consider the renewal for approval or denial.*
- B) *An amended application shall be submitted when there is a change in any information the applicant was required to provide in the most recent application on file.*
- C) *An application to change the location of an existing License shall require forfeiture of the existing license and a new application, with full supporting documentation. It must meet all requirements and shall be processed in the same manner as provided for the issuance of a new License.*

- D) *The Applicant or existing Licensee has used the property or land in accordance with any prior approved application for that property.*

Sec. 5-14. – License Revocation

- A) *A License issued under this ordinance may be revoked for any of the following violations:*
1. *Any person required to be named on the application for the License is convicted of or found responsible for violation of any provision of this ordinance;*
 2. *The application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided Muskegon Charter Township with any other false or misleading information;*
 3. *Marihuana is transferred or otherwise distributed on the premises in violation of this ordinance or any other applicable state or local law, rule or regulation;*
 4. *The Facility is operated or is operating in violation of the specifications of the License, or any additional applicable conditions or approvals from Muskegon Charter Township, Muskegon County, or the State of Michigan.*
- B) *The procedure for revocation shall be as follows:*
1. *The Zoning Administrator shall issue a notice to the Licensee, in writing, through certified mail, that the Township intends to revoke the License.*
 2. *The Licensee may request a hearing before the Township Board to show cause as to why the License should not be revoked within fourteen (14) days of service of the notice.*
 3. *If a hearing is timely requested, then the Zoning Administrator shall inform the Licensee, and Township Board of the time and place of the hearing.*
 4. *The Licensee may present evidence and reasons arguing why the License should not be revoked. The Township Board shall review and either revoke the License or allow the License to continue.*

Sec. 5-15. – Revocation Not Exclusive Penalty

Nothing in this ordinance shall be deemed to prohibit Muskegon Charter Township from imposing other penalties authorized by this code or other ordinances, including filing a public nuisance action or any other legal action in a court of competent jurisdiction.

Sec. 5-16. – Civil Infraction

Any person, firm, or corporation who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein or by resolution of Muskegon Charter Township, along with costs which may include all expenses, direct or indirect, which the Township incurs in

connection with the municipal civil infraction. A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this ordinance. The Muskegon Charter Township Zoning Administrator may issue appearance ticket citations for violations of this ordinance. The provisions of this ordinance may also be enforced by suit for injunctive relief.

Sec. 5-17. – Civil Fines for Municipal Infractions

Civil fines for municipal civil infractions under this ordinance shall be assessed in accordance with the following schedule:

Fine and Suspension

Per violation	\$ 500.00
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Sec. 5-18. – Severability

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

Section 2. Severability.

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

Section 3. Repeal of Conflicting Ordinances: All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective ten (10) days after adoption.

Ann D. Oakes, CMC, CMMC
Muskegon Charter Township Clerk

Introduced:
Adopted:
Published:
Effective:

**MUSKEGON CHARTER TOWNSHIP
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

AN ORDINANCE TO ADD ARTICLE XI “MARIHUANA ZONING ORDINANCE”, SECTIONS 58-550 THROUGH SECTIONS 58-555 TO CHAPTER 58 TO THE MUSKEGON CHARTER TOWNSHIP CODE OF ORDINANCES

Ordinance No. 19-8

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. That Article XI “Marihuana Zoning Ordinance”, Sections 58-550 through Section 58-555 be added to Chapter 58 of the Muskegon Charter Township Code of Ordinances as follows:

CHAPTER 58

ARTICLE XI. – MARIHUANA ZONING ORDINANCE

Sec. 58-550 – Purpose

The purpose of this ordinance is to regulate the number and locations of permitted commercial marihuana operations in Muskegon Charter Township.

Sec. 58-551 – Definitions

For purposes of this ordinance, terms and words defined by the Acts shall have the same meaning as provided in those Acts.

Additionally, certain terms and words used herein shall have the following meaning:

- A) *Act or Acts mean the Michigan Regulation and Taxation of Marihuana Act of 2018, the Michigan Marihuana Act, Public Act 1 of 2008 as amended, the Marihuana Facilities Licensing Act, Public Act 281 of 2016, and the Marihuana Tracking Act, Public Act 282 of 2016, and all related Michigan Administrative Rules, as amended.*
- B) *Applicant means a person who applies for a license under this ordinance and includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.*
- C) *Licensee means a person holding a license from Muskegon Charter Township under the Muskegon Charter Township Marihuana Licensing Ordinance and also holding a state operating license.*
- D) *Marihuana means marihuana grown, used, tested, or transferred for use as defined by the Acts.*
- E) *Marihuana Grower means a licensee that is a commercial entity located in Muskegon Charter Township that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.*

- F) *Marihuana Provisioning Center means a licensee that is a commercial entity located in Muskegon Charter Township that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to end users. Provisioning center includes any commercial property where marihuana is sold at retail to end users. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department’s marihuana registration process in accordance with the Michigan marihuana act is not a provisioning center for purposes of this ordinance.*
- G) *Marihuana Facility means a location at which a license holder is licensed to operate under this ordinance.*
- H) *Marihuana Processor means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.*
- I) *Marihuana Safety Compliance Facility means a licensee that is a commercial entity that receives marihuana from a marihuana facility, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.*
- J) *Marihuana Secure Transporter means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.*
- K) *Person means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.*

Sec. 58-552 – Licenses Available

This section shall identify the number of licenses available to be issued, location limitation for licenses available and additional requirements.

A) *Provisioning Centers*

Provisioning Centers are a permitted use in the Neighborhood Commercial (C-1), Shopping Center (C-2) and Commercial / Industrial (M) zoning districts under the following limitations:

1. *Three (3) licensed Provisioning Centers shall be allowed for C-1 or C-2 zoned properties with minimum required road frontage upon E. Apple Ave. between Creston Street and Brooks Road.*
2. *One (1) licensed Provisioning Center shall be allowed for C-1, C-2, or M zoned properties with minimum required road frontage upon Laketon Avenue between Rouse Street and Wierengo Drive, including the South West corner parcel of Rouse Street and Laketon Avenue.*

3. *One (1) licensed Provisioning Center shall be allowed for C-1, or C-2 properties with minimum required road frontage upon Whitehall Road between Dykstra Road and River Road.*
4. *Two (2) licensed Provisioning Centers shall be allowed for C-1, or C-2 properties with minimum required road frontage upon Holton Road between Russell Road and River Road.*
5. *A Provisioning Center may have a Medical Marihuana License, Recreational Marihuana License or both, subject to separate applications and approvals.*
6. *A Provisioning Center may have no more than one (1) Medical Marihuana License and no more than one (1) Recreational Marihuana License.*
7. *No grow operation or growing of marihuana plants is permitted.*
8. *All Muskegon Charter Township license holders must also possess the required license from the State of Michigan.*
9. *If an applicant obtains a license from Muskegon Charter Township, application to the State of Michigan for the required state license must be made within 90 days. If the Muskegon Charter Township license holder is unable to obtain the required state license within 180 days of the application date to the State of Michigan, the Muskegon Charter Township License is revoked and is made available to other applicants. However, if the state license is pending a decision by the State of Michigan, the time to obtain the state license is extended one (1) additional 180 day period.*
10. *All license holders must comply with the Acts.*
11. *No Provisioning Center is permitted within 1000 feet of another Provisioning Center.*
12. *Provisioning Centers are prohibited from operating between 10:00 PM and 8:00 AM.*

B) Marihuana Growers

Marihuana Growers are allowed as a permitted under the following limitations:

1. *Unlimited licenses are available only within the Marihuana Overlay District on properties zoned Light Industrial (I1) or Industrial Park (IP).*
2. *Unlimited licenses can be issued for structures outside the Marihuana Overlay District 25,000 square feet or larger that are existing prior to July, 1 2019 once properly zoned.*
3. *Marihuana Growers are not permitted outside the permitted areas outlined in 1 and 2 above, including upon parcels with licensed Provisioning Centers.*
4. *Multiple licenses from grow operations are permitted upon a single parcel (stacking licenses), subject to separate licensing applications and approvals.*
5. *All Muskegon Charter Township license holders are subject to the same time requirements as outlined in Section 58-552 (A) (9).*
6. *All license holders must comply with the Acts.*

7. *All Muskegon Charter Township license holders must also possess the required license from the State of Michigan.*

C) *Secure Transport Company*

Marihuana Secure Transport companies are allowed as a permitted use within the Marihuana Overlay District under the following limitations:

1. *All Muskegon Charter Township license holders are subject to the same time requirements as outlined in Section 58-552 (A) (9).*
2. *All Muskegon Charter Township license holders must also possess the required license from the State of Michigan.*
3. *All license holders must comply with the Acts.*

D) *Marihuana Processor*

Marihuana Processor companies are allowed as a permitted use within the Marihuana Overlay District under the following limitations:

1. *All Muskegon Charter Township license holders are subject to the same time requirements as outlined in Section 58-552 (A) (9).*
2. *All Muskegon Charter Township license holders must also possess the required license from the State of Michigan.*
3. *All license holders must comply with the Acts.*

E) *Marihuana Safety Compliance Facility*

Marihuana Safety Compliance Facility companies are allowed as a permitted use within the Marihuana Overlay District under the following limitations:

1. *All Muskegon Charter Township license holders are subject to the same time requirements as outlined in Section 58-552 (A) (9).*
2. *All Muskegon Charter Township license holders must also possess the required license from the State of Michigan.*
3. *All license holders must comply with the Acts.*

Sec. 58-553 – Additional Site Plan Regulations

- A) *No marihuana facility is permitted within 1000 feet of a public or private school.*
- B) *No marihuana facility is permitted within 1000 feet of a state licensed child care facility.*
- C) *No marihuana facility is permitted within 1000 feet of a state licensed Substance Use Disorder Program.*

Sec 58-554 – Review and Approval

A) *New License Application*

1. *The applicant must submit a Medical Marihuana Commercial License Application, Recreational Marihuana Commercial License Application or both including required application fees, as determined by Township*

Board resolution, subject to this ordinance and the Acts to the Muskegon Charter Township Planning Department.

2. *The applicant must submit a site plan application and required site plan documents in accordance with Chapter 58 Article VIII – Site Plan Review of the Muskegon Charter Township Code of Ordinances. The applicant must submit a special use permit application along with required documents, fees and escrow in accordance with Chapter 58 Article II – Special Use permit if required by ordinance. The site plan application, special use permit application and documents must be deemed complete by the Townships Planner / Zoning Administrator before this requirement is deemed satisfied.*
3. *The Muskegon Charter Township Planning Commission shall review the site plan application in accordance with the site plan standards of Section 58-486 and all requirements of Chapter 5 – Marihuana Licensing Ordinance of the Muskegon Charter Township Code of Ordinances and any other applicable ordinance.*
4. *The Planning Commission shall approve or deny the site plan application in accordance with Muskegon Charter Township site plan approval requirements and recommend issuance or denial of a Commercial Marihuana Licensee to the Muskegon Charter Township Board of Trustees. Site plan approval shall be contingent upon an approval of a Commercial Marihuana License in Muskegon Charter Township and a marihuana facility license issued by the State of Michigan.*
5. *The Muskegon Charter Township Board of Trustees shall review the application, consider the Planning Commission’s recommendation and issue or deny a Commercial Marihuana License.*

B) Renewal License Application

1. *The applicant must submit a Medical Marihuana Commercial License Application and/or Recreational Marihuana Commercial License Application including required application fees as applicable.*
2. *If there are no changes to the preceding year’s application, the application for license renewal will be submitted directly to the Muskegon Charter Township Board of Trustees for consideration of renewal.*
3. *If any changes have occurred to any part of the original application, the renewal is subject to the new license application as outlined in Section 58-554 (A) above.*
4. *The renewal application shall include any violations, complaints, enforcements and any other information necessary for the Township Board to determine whether the renewal of the license is in the best interest of the safety of the residents of Muskegon Charter Township.*

Sec 58-555 - Marihuana Overlay District

The Marihuana Overlay District is an overlay area that allows Marihuana Establishments within a specific boundary area. The underlying zoning of the property must be appropriate for the Marihuana

Facility proposed upon the property. If the property does not have the proper underlying zoning, the property must receive a Zoning Map Amendment prior to application for the Medical Marihuana Commercial License or the Recreational Marihuana Commercial License.

The Marihuana Overlay District is as described below:

The Marihuana Overlay District begins at the centerline of Laketon Avenue and centerline of Walker, then north 1,290 feet, then east 2,240 feet, then south 2,610 feet, then west 2,240 feet, then north 1320 feet to the point of beginning, consisting of slightly more than 130 acres of land.

Section 2. Severability.

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

Section 3. Repeal of Conflicting Ordinances: All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective ten (10) days after adoption.

Ann D. Oakes, CMC, CMMC
Muskegon Charter Township Clerk

Introduced:

Adopted:

Published:

Effective:

**MUSKEGON CHARTER TOWNSHIP
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

AN ORDINANCE TO ADD PERMITTED USES TO THE NEIGHBORHOOD COMMERCIAL (C1) AND
COMMERCIAL / INDUSTRIAL (M) ZONING DISTRICTS TO THE
MUSKEGON CHARTER TOWNSHIP CODE OF ORDINANCES

Ordinance No. 19-9

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. That Chapter 58, Article III, Division 11 “Neighborhood Commercial”, Section 58-257 “Permitted Uses”, subsection (a) have subsection (10) added as follows:

(10) *Marihuana Provisioning Center subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

Section 2. That Chapter 58, Article III, Division 9 “Light Industrial District”, Section 58-227 “Permitted Uses”, have subsections (12), (13), (14) and (15) added as follows:

(12) *Commercial Marihuana Grower subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(13) *Commercial Marihuana Processor subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(14) *Commercial Marihuana Secure Transporter subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(15) *Commercial Marihuana Safety Compliance Facility subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

Section 3. That Chapter 58, Article III, Division 10 “Industrial Park District”, Section 58-242 “Permitted Uses”, be modified to read as follows:

(1) *Commercial Marihuana Grower subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(2) *Commercial Marihuana Processor subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(3) *Commercial Marihuana Secure Transporter subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(4) *Commercial Marihuana Safety Compliance Facility subject to Chapter 5 “Marihuana Licensing Ordinance” and Chapter 58, Article XI “Marihuana Zoning Ordinance”.*

(5) *There are no other permitted uses in the IP District*

Section 4. Severability.

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

Section 5. Repeal of Conflicting Ordinances: All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

Section 6. Effective Date. This ordinance shall be effective ten (10) days after adoption.

Ann D. Oakes, CMC, CMMC
Muskegon Charter Township Clerk

Introduced:

Adopted:

Published:

Effective:

MUSKEGON CHARTER TOWNSHIP
1990 APPLE AVENUE
MUSKEGON, MI 49442
231-777-2555 EXT 1132

MEDICAL MARIHUANA COMMERCIAL LICENSE APPLICATION

\$5,000 Annual License Fee required to accompany application

New License Renewel

License Requested

Provisioning Center Grower
 Secure Transport Class A (500 Plants or as amended by the Act)
 Safety Compliance Facility Class B (1,000 Plants or as amended by the Act)
 Processor Class C (1,500 Plants or as amended by the Act)

1. Applicant _____
2. Applicant Address _____
City _____ State _____ Zip _____
3. Applicant Phone _____ Email _____
4. Property Address _____
5. Property Parcel # _____
6. Current Zoning _____ 7. Size of Property in Acres _____

8. List All Owners with any level of interest in the property or in the business. (Copies of valid drivers license must accompany application for required background check.) *I (we) hereby swear and attest that I (we) are the owners of the above parcel of property and the information is true and accurate to my (our) knowledge.*

Date	Print Name	Signature
_____	1) _____	_____
_____	2) _____	_____
_____	3) _____	_____
_____	4) _____	_____
_____	5) _____	_____

For Office Use Only

Date Received _____ Cash Credit Card
Amount Received _____ Check # _____
Received By _____ Money Order

Growers Only

I attest and consent that all activities will be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

Real Property Owner 1)
Real Property Owner 2)
Real Property Owner 3)
Real Property Owner 4)
Real Property Owner 5)

Signature

Growers Only

I attesting and consent that all artificial lighting must and will be shielded to prevent glare and light trespass and must not and will not be visible, from neighboring properties, adjacent streets or public right of ways.

Real Property Owner 1)
Real Property Owner 2)
Real Property Owner 3)
Real Property Owner 4)
Real Property Owner 5)

As owner of this property I attest to the knowledge, understanding, and approval of a Marihuana Facility upon my property.

Real Property Owner 1)
Real Property Owner 2)
Real Property Owner 3)
Real Property Owner 4)
Real Property Owner 5)

The below listed applicants or owners have been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise:

Persons Name	_____	Date of Offense	_____
Name of Court	_____	Location of Court	_____
Arresting Agency	_____	Prosecuting Agency	_____
The Offense	_____		
The Disposition	_____		
Location of Incarceration	_____	Length of Incarceration	_____

Persons Name	_____	Date of Offense	_____
Name of Court	_____	Location of Court	_____
Arresting Agency	_____	Prosecuting Agency	_____
The Offense	_____		
The Disposition	_____		
Location of Incarceration	_____	Length of Incarceration	_____

If additional persons or offenses need to be included, you must provide the above information on a separate page and submit it with the application.

By signing below, I swear that the application I have provided herewith does not contain any false information and everything provided is true to the best of my knowledge.

Applicant(s) Name(s)	_____	Date	_____
Applicant Signature	_____		_____
Applicant Signature	_____		_____
Applicant Signature	_____		_____

MUSKEGON CHARTER TOWNSHIP
1990 APPLE AVENUE
MUSKEGON, MI 49442
231-777-2555 EXT 1132

RECREATIONAL MARIHUANA COMMERCIAL LICENSE APPLICATION

\$5,000 Annual License Fee required to accompany application

New License Renewel

License Requested

Provisioning Center

Grower

Secure Transport

Class A (100 Plants or as amended by the Act)

Safety Compliance Facility

Class B (500 Plants or as amended by the Act)

Processor

Class C (2,000 Plants or as amended by the Act)

1. Applicant

2. Applicant Address

City _____ State _____ Zip _____

3. Applicant Phone

_____ Email _____

4. Property Address

5. Property Parcel #

6. Current Zoning

_____ 7. Size of Property in Acres _____

8. List All Owners with any level of interest in the property or in the business. (Copies of valid drivers license must accompany application for required background check.) *I (we) hereby swear and attest that I (we) are the owners of the above parcel of property and the information is true and accurate to my (our) knowledge.*

Date

Print Name

Signature

_____	1) _____	_____
_____	2) _____	_____
_____	3) _____	_____
_____	4) _____	_____
_____	5) _____	_____

For Office Use Only

Date Received _____

Cash

Credit Card

Amount Received _____

Check # _____

Received By _____

Money Order

Growers Only

Signature

I attest and consent that all activities will be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

Real Property Owner 1)
Real Property Owner 2)
Real Property Owner 3)
Real Property Owner 4)
Real Property Owner 5)

Growers Only

I attesting and consent that all artificial lighting must and will be shielded to prevent glare and light trespass and must not and will not be visible, from neighboring properties, adjacent streets or public right of ways.

Real Property Owner 1)
Real Property Owner 2)
Real Property Owner 3)
Real Property Owner 4)
Real Property Owner 5)

As owner of this property I attest to the knowledge, understanding, and approval of a Marihuana Facility upon my property.

Real Property Owner 1)
Real Property Owner 2)
Real Property Owner 3)
Real Property Owner 4)
Real Property Owner 5)

The below listed applicants or owners have been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise:

Persons Name	_____	Date of Offense	_____
Name of Court	_____	Location of Court	_____
Arresting Agency	_____	Prosecuting Agency	_____
The Offense	_____		
The Disposition	_____		
Location of Incarceration	_____	Length of Incarceration	_____

Persons Name	_____	Date of Offense	_____
Name of Court	_____	Location of Court	_____
Arresting Agency	_____	Prosecuting Agency	_____
The Offense	_____		
The Disposition	_____		
Location of Incarceration	_____	Length of Incarceration	_____

If additional persons or offenses need to be included, you must provide the above information on a separate page and submit it with the application.

By signing below, I swear that the application I have provided herewith does not contain any false information and everything provided is true to the best of my knowledge.

Applicant(s) Name(s)	_____	Date	_____
Applicant Signature	_____		_____
Applicant Signature	_____		_____
Applicant Signature	_____		_____

MUSKEGON CHARTER TOWNSHIP
1990 APPLE AVE.
MUSKEGON, MI 49442
231-777-2555 EXT. 325

SITE PLAN REVIEW APPLICATION

Ordinance 7, Section 30.2 **Fees:**

Residential: N/C

Up to \$100,000 Development \$150 + \$250 Escrow = \$400

Up to \$200,000 Development \$200 + \$1,000 Escrow = \$1,200

Up to \$500,000 Development \$250 + \$1,000 Escrow = \$1,250

Up to \$1,000,000 Development \$300 + \$1,000 Escrow = \$1,300

Over \$1,000,000 \$350 + \$1,000 Escrow = \$1,350

Case # _____

Amt./Date _____

Hearing Date _____

Fee along with eight (24" x 36") copies of plan required with application.

1. OWNERS: _____ PHONE NUMBER: _____

2. ADDRESS: _____ EMAIL ADDRESS: _____

3. CONTRACTOR: _____ PHONE: _____

4. APPLICABLE PARCEL ADDRESS: _____

5. LEGAL DESCRIPTION: _____

6. PRESENT ZONING: _____

7. SIZE OF PROPERTY: _____
(DIMENSIONS & ACREAGE)

8. PRESENT USE: _____

9. PROPOSED DEVELOPMENT: _____

NOTE: Depending on the size, complexity, location, or other factors related to the proposed site plan, additional information may be required.

I (we) hereby swear and attest that I (we) are owners of the above parcel of property and the information is true and accurate to my (our) knowledge.

ALL OWNER/APPLICANTS MUST SIGN

***The Site Plan Review Fee is due at the time of application along with six (24" x 36") copies of the plan. All fees are subject to a fee adjustment in accordance with Section 30.15 and 30.16. Site Plan processing time within 60 days.

REQUIRED SITE PLAN REVIEW INFORMATION

Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 100 feet or less (i.e., one inch equals 20 to 100 feet) for sites over 20 acres.

SITE

DRAWING OF LAND WITH BOUNDARY DIMENSIONS

TOPOGRAPHICAL INFORMATION

BUILDINGS

SIZE, SHAPE AND LOCATION OF EXISTING AND PROPOSED BUILDINGS – DOES PROPOSAL CREATE ADDRESS ISSUES?

PROPOSED USE OF INDIVIDUAL BUILDINGS, INCLUDING BUILDING DESIGN AND EXTERIOR CONSTRUCTION MATERIALS (INCLUDING ELEVATIONS)

TRAFFIC

ANTICIPATED AMOUNT OF TRAFFIC TO BE GENERATED AND CIRCULATION OF TRAFFIC

SIGNS

SIGNS PROPOSED (SIZE, SHAPE, LOCATION AND SCRIPT)

TYPE OF BUSINESS/MANUFACTURING

TYPES OF MACHINERY, POWER USAGE, ELECTRICAL EQUIPMENT, INCLUDING EMISSIONS AND DISCARDED MATERIALS PRODUCED

LANDSCAPING

ALL PROPOSED LANDSCAPING INCLUDING SIGNIFICANT EXISTING VEGETATION TO BE REMOVED

STREETS

STREETS AND PRIVATE EASEMENTS AND ADJACENT TO AND WITHIN THE DEVELOPMENT AREA

MISCELLANEOUS

PARKING AREA, PARKING SPACES AND DRIVEWAYS, INCLUDING SIDEWALKS AND EXTERIOR LIGHTING, LOADING ZONES, OUTSIDE STORAGE AREAS AND METHOD OF SCREENING

UTILITIES

LOCATION AND DESCRIPTION OF SANITARY WASTE SEWERS AND WATER LINES – HYDRANT LOCATIONS

DRAINAGE

A WATER RUNOFF DRAINAGE PLAN MUST BE PROVIDED

NOTE: WATER AND SEWER CONNECTION FEES MAY BE DUE – PLEASE CONTACT THE ZONING ADMINISTRATOR FOR INFORMATION. (231-777-2555 EXT. 1132)