APPROVED

STATE OF MICHIGAN
COUNTY OF WASHTENAW
ANN ARBOR CHARTER TOWNSHIP

ORDINANCE NO. 3-2016
AMENDING CHAPTER 18 – BUSINESSES TO ADD CHAPTER III MEDICAL MARIJUANA GROW OPERATIONS

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following new Article III of Chapter 18 of the Township Code of Ordinances as follows:

CHAPTER 18 – Article III Medical Marijuana Grow Operations

Sec. 18-61. – Purposes.

The purposes of this Article are to:

(1) Serve and protect the health, safety and welfare of the general public;

(2) Establish fair and equitable rules and regulations for establishing and operating a medical marijuana grow operation;

(3) Provide reasonable regulations pursuant to Ann Arbor Charter Township's general police power granted to townships by the Michigan Constitution of 1963, the Charter Township Act, MCL §42.1 et. seq., as amended, and the Michigan Township Act, MCL §41.181 et. seq., as amended.

Sec. 18-62. – Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person or other legal entity applying for a license to operate a medical marijuana grow operation and includes officers, directors, shareholders, members, managers, stockholders, partners of, and any other person with an ownership interest in, an applicant.

Medical marijuana grow operation means a use of property in accordance with the Michigan Medical Marijuana Act, as amended ("MMMA"), for the growing, cultivation, planting and manufacturing of more than twelve (12) and less than seventy-three (73) marijuana plants.

Sec. 18-63. – License Required.

(a) It shall be unlawful for a person to own or operate a medical marijuana grow operation in Ann Arbor Charter Township without a valid license, issued pursuant to this Article.

(b) A license to own and operate a medical marijuana grow operation in Ann Arbor Charter Township shall be issued to, or renewed for, an applicant upon (1) the applicant's payment of the non-refundable fee as prescribed by this article, or set from time to time by the Township Board of Trustees, (2) the applicant's submission of a completed application in compliance with the provisions of this Article that demonstrates the applicant's eligibility for said license in accordance with this Article, and (3) the Township Building Official's confirmation that the proposed medical marijuana grow operation complies or will comply with the conditions and other requirements of this Article.

(c) An application to renew a license to own and operate a medical marijuana grow operation shall be submitted, along with the prescribed fee, at least 30 days prior to the license's expiration.

(d) A license issued or renewed under this ordinance shall expire two years after its issuance or renewal, may not be transferred, and applies only to the applicant identified on the license.

(e) An otherwise valid license issued pursuant to this Article is void if, at any time after its issuance, the applicant identified on the license no longer possesses a valid registry identification card issued by the State of Michigan under the MMMA.

Sec. 18-64. Application.

The application required under Section 18-63 shall be submitted to the Township Building Official under oath, in the form prescribed or provided by the Township, and shall include the following:

(a) A description of any services to be provided at or by the proposed medical marijuana grow operation;

(b) A completed medical marijuana checklist, in the form prescribed and provided by the Township;

(c) The property address of the proposed medical marijuana grow operation;

(d) The name, address and telephone number of the applicant;

(e) A resolution authorizing submission of the application for any applicant that is not a natural person;

(f) A description of the applicant's business, occupation, or employment for the preceding three years;

(g) A description of all other state-issued licenses, including business and professional licenses and licenses issued under the MMMA, that the applicant has held, a description of any disciplinary actions taken against the applicant by licensing authorities, and a description of the reasons for any such actions;

(h) Proof that the applicant is a primary caregiver under the MMMA and has been issued and possesses a valid registry card issued by the State of Michigan under the MMMA;

(i) A certificate of zoning compliance from the Township Zoning Official verifying that the property at the location in Subsection (c) is in compliance with the Township Zoning Code; and,

(j) And, if the applicant does not own the property at said location, the property owner's written permission, to the Township's satisfaction, for applicant to conduct the proposed medical marijuana grow operation on the property.

Sec. 18-65. Violations and penalties.

A person who violates any provision of this Article commits a municipal civil infraction under the Township's Code of Ordinances and may be cited by the Township for same.

Sec. 18-66. Conditions.

The Township may not issue a license under this Article unless its Building Official first confirms that the proposed medical marijuana grow operation complies with the following:

(a) All provisions of applicable zoning, building, plumbing, fire, electrical and health codes or ordinances;

(b) The medical marijuana grow operation shall not open to any qualifying patient earlier than 8:00 a.m., nor close to same later than 8:00 p.m.;

(c) Smoking or other use of marijuana by anyone other than the applicant shall be prohibited at the applicant's medical marijuana grow operation;

(d) The property on which the proposed medical marijuana grow operation will be located shall not have exterior signage using the word "marijuana," "marihuana" or any other word, phrase or image commonly understood to refer to marijuana; and,

(e) All activities related to medical marijuana grow operation shall be in compliance with the MMMA and regulations related to it.

Any person owning or operating a medical marijuana grow operation in a manner inconsistent with the foregoing conditions violates this Article.

Sec. 18-67. Non-renewal or revocation.

The Township Building Official may revoke, or decline to renew, any license under this Article in the event of the following:

(a) Applicant's failure to comply with this Article;

(b) Applicant's violation of any Township Code provision or state law related to medical marijuana and/or a medical marijuana grow operation;

(c) The medical marijuana grow operation is or becomes a nuisance;

(d) Applicant's non-payment of, or liability for, any Township taxes, fines or fees; or,

(e) The occurrence of three or more public safety calls (i.e., police, fire and/or emergency medical services) related to the medical marijuana grow operation during any 30-day period.

Sec. 18-68. Appeal process.

An applicant or licensee under this Article may appeal the denial of issuance or renewal, or revocation, of a license under this Article by submitting, within 30 days of the decision being appealed, a written appeal to the Township Building Official in the form prescribed or provided by the Township, which form shall, at a minimum, require the applicant's or licensee's signature, a description of the decision being appealed, and an articulation of the grounds for the appeal. The submission of any such appeal shall be accompanied by the non-refundable fee prescribed by the Township. The Township Board of Trustees shall consider the appeal within 45 days of its complete submission.

Sec. 18-69. Compliance with State Law.

Nothing in this Article shall be interpreted or construed to allow activities prohibited by, or conducted in a manner inconsistent with, state law.

Sec. 18-70. Repeal

Portions of the Township Code that conflict with this Article are, to the extent of such conflict, hereby repealed, except that the terms defined in this Article do repeal or otherwise change any definitions of the same terms in other portions of the Township Code or other laws.

Sec. 18-71. Savings Clause

The provisions of this Article are severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Article.

Sec. 18-72. Publication and Effective Date

This Article shall be published in the manner as required by law. Except as otherwise provide by law, this Article shall be effective on the day after its final publication.

CERTIFICATION

It is hereby certified that the foregoing Article was adopted by the Township Board of Trustees of Ann Arbor Charter Township, Washtenaw County, Michigan, at a meeting of the Board duly called and held on October 17, 2016.

ANN ARBOR CHARTER TOWNSHIP

By: _____
Michael C. Moran, Supervisor

Its: _____
Rena Basch, Clerk

First Reading: September 19, 2016
Second Reading October 17, 2016
Adopted: October 17, 2016
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