

**Charter Township of Marquette
Marquette Township Board – Regular Meeting
Tuesday, January 19, 2021 at 6:30 P.M.
Via Teleconference (Zoom Meeting)**

CALL MEETING TO ORDER:

The meeting was called to order by Supervisor Durant at 6:31 p.m.

ROLL CALL:

Members present: Lyn Durant, Supervisor
 Randy Ritari, Clerk
 Ernest Johnson, Treasurer
 Linda Winslow, Trustee
 Dan Everson, Trustee
 John Markes, Trustee
 Pete LaRue, Trustee

Staff present: Jon Kangas, Township Manager
 Roger Zappa, Township Attorney
 Dan Shanahan, Township Fire Chief
 Jason McCarthy, Township Planner/Zoning Administrator
 Ryan Diederichsen, Township Staff Planner

Committee

Members Present: None

PUBLIC COMMENT: None

BOARD MEMBER COMMENT IN RESPONSE TO PUBLIC COMMENT: None

CONSENT AGENDA:

- A. Approval of Regular Meeting Minutes of January 05, 2021
- B. Bills Payable
 - 1. Checks 160384 to 160427 in the amount of \$140,554.30.
- C. Received Committee and Other Reports
 - 1. Sheriff's Activity Report – December 2020
 - 2. Fire Department Activity Report – December 2020
- D. Correspondence not Requiring Board Action
 - 1. Charter Communications Regarding Channel Lineup
- E. Financials

1. Financial Statement – December 2020

MOTION: To approve the Consent Agenda as presented.

Motion – Clerk Ritari

Second – Trustee Markes

Roll Call Vote:

Supervisor Durant - Aye

Clerk Ritari - Aye

Treasurer Johnson -Aye

Trustee Markes -Aye

Trustee Winslow - Aye

Trustee Everson - Aye

Trustee LaRue - Aye

Carried (7-0)

APPROVAL OF THE AGENDA:

MOTION: To approve the Agenda as presented.

Motion – Clerk Ritari

Second – Trustee Everson

Roll Call Vote:

Supervisor Durant - Aye

Clerk Ritari - Aye

Treasurer Johnson -Aye

Trustee Markes -Aye

Trustee Winslow - Aye

Trustee Everson - Aye

Trustee LaRue - Aye

Carried (7-0)

BOARD EDUCATION/PRIVILEGED COMMENT:

Staff Reports

1. Fire Department – Chief Shanahan gave a brief report.
2. Public Works – Manager Kangas gave a brief report for Superintendent Bodenus.
3. Attorney Report – Attorney Zappa gave a brief report.

COMMUNITY LINKAGE:

Library Survey is on the webpage for those interested. Pickle Ball group will make a presentation to the Recreation Committee in February.

ASSURANCE OF ORGANIZATIONAL PERFORMANCE:

Board - Committee Updates

1. DDA has opening term ending 12/31/24 – Informational for Residents.

DRAFT Committee Reports - None

POLICY DISCUSSION, CONSIDERATION AND DEVELOPMENT:

Consider Awarding Bid for Northwoods Tank Painting and Repairs
(Background Information from Manager Kangas)

MOTION: To award the bid for the Northwoods Tank Painting and Repairs to Earl, Inc. dba St. Germain Sandblasting of Negaunee, Michigan in the amount not to exceed \$91,800.

Motion – Trustee LaRue

Second – Trustee Markes

Roll Call Vote:

Supervisor Durant - Aye

Clerk Ritari - Aye

Treasurer Johnson -Aye

Trustee Markes -Aye

Trustee Winslow - Aye

Trustee Everson - Aye

Trustee LaRue - Aye

Carried (7-0)

Consider Proposed Zoning Text Amendments to Allow for and Regulate Adult-Use Recreational and Medical Marijuana Facilities – Second Reading
(Background from Planner McCarthy)

**State of Michigan
County of Marquette
Charter Township of Marquette
Medical Marijuana Facilities and Adult Use (Recreational) Marijuana
Establishments Licensing and Regulatory Ordinance**

Ordinance No. 011921

An ordinance adopted to allow, license, and regulate certain Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments within the Charter Township of Marquette.

THE CHARTER TOWNSHIP OF MARQUETTE ORDAINS:

Section 1.

Purpose:

- A. It is the intent of this Ordinance to authorize certain Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments in Marquette Township, to provide for licensing such facilities and establishments, and to provide reasonable regulations to protect the public health, safety, and general welfare of the community at large; to retain the character of neighborhoods; and to minimize potential

impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments in Marquette Township through imposition of an annual, non-refundable fee of not more than \$5,000.00 upon each Medical Marijuana Facility Licensee, and on each Adult Use (Recreational) Marijuana Establishment Licensee pursuant to the authority granted by the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq., and the Michigan Regulation and Taxation of Marijuana Act (MRTMA), MCL 333.27951, et seq.

- B. Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act (MMMA), MCL 333.26421, et seq.; the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101, et seq.; the Marijuana Tracking Act (MTA), MCL 333.27901, et seq.; the Michigan Regulation and Taxation of Marijuana Act (MRTMA), MCL 333.27951, et seq.; and the Rules and Regulations issued by the Michigan Department of Licensing and Regulatory Affairs Marijuana Regulatory Agency; and all other applicable statutes, rules or regulations promulgated by the State of Michigan.
- C. As of the effective date of this Ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 USC 801, et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under these or other federal laws.

Section 2:

Interchangeable Use of “Marihuana” and “Marijuana”:

The terms “marihuana”, as sometimes spelled by the State of Michigan, and “marijuana” are synonymous and may be used interchangeably without difference or distinction.

Section 3:

Definitions:

If any definition in this Ordinance conflicts with a definition contained within the MMMA, MMFLA, MRTMA, or MTA, the statutory definition shall control. Otherwise, terms utilized in this Ordinance shall have the following definitions, unless the context clearly indicates or requires a different meaning:

- A. Co-Location: The aggregation of multiple types of licenses, additional licenses, or equivalent licenses permitted under the MMFLA, MRTMA, and state rules, and located on one or more lot of record owned or operated by an existing MMFLA and/or MRTMA licensee, approved for operation in the Township.
- B. Equivalent Licenses: Means any of the following held by a single licensee:
 - 1. A marijuana grower license, of any class, issued under the MRTMA and a grower license of any class, issued under the MMFLA.
 - 2. A marijuana processor license issued under the MRTMA and a processor license issued under the MMFLA.
 - 3. A marijuana retailer license issued under the MRTMA and a provisioning center license issued under the MMFLA.

4. A marijuana secure transporter license issued under the MRTMA and a secure transporter license issued under the MMFLA.
5. A marijuana safety compliance establishment license issued under the MRTMA and a safety compliance facility license issued under the MMFLA.

C. Licensed Medical Marijuana Facility types are defined as follows:

1. Marijuana Facility: A location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq., and which includes growers, processors, provisioning centers, safety compliance facilities, and secure transporters.
2. Grower: A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor, provisioning center, or another grower.

Growers are licensed under three categories:

- Class A-500 Plant Limit
 - Class B-1,000 Plant Limit
 - Class C-1,500 Plant Limit
3. Processor: A licensee that is a commercial entity located in Michigan that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center, or another processor.
 4. Provisioning Center: A licensee that is a commercial entity located in Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the marijuana registration process in accordance with the Michigan Medical Marijuana Act is not a provisioning center for purposes of this Ordinance.
 5. Safety Compliance Facility: A licensee that is a commercial entity that receives marijuana from a Marijuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the Marijuana Facility.
 6. Secure Transporter: A licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between Marijuana Facilities for a fee.

E. Licensed Adult-Use (Recreational) Marijuana Establishment types are defined as follows:

1. Marijuana Establishment: Includes a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs under the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et seq.
2. Marijuana Grower: A person licensed to cultivate marijuana and sell or otherwise transfer marijuana to Marijuana Establishments.

Growers are licensed under three categories:

- Class A-100 Plant Limit
- Class B-500 Plant Limit
- Class C-2,000 Plant Limit

3. Excess Marijuana Grower: A person holding 5 class C Marijuana Grower Licenses and licensed to cultivate marijuana and sell or otherwise transfer marijuana to Marijuana Establishments.
 4. Marijuana Processor: A person licensed to obtain marijuana from Marijuana Establishments; process and package marijuana; and sell or otherwise transfer marijuana to Marijuana Establishments.
 5. Marijuana Secure Transporter: A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to Marijuana Establishments.
 6. Marijuana Retailer: A person licensed to obtain marijuana from Marijuana Establishments and to sell or otherwise transfer marijuana to Marijuana Establishments and to individuals who are 21 years of age or older.
 7. Marijuana Safety Compliance Facility: A person licensed to test marijuana, including certification for potency and the presence of contaminants.
 8. Marijuana Event Organizer: A person licensed to apply for a temporary marijuana event.
 9. Temporary Marijuana Event: An event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.
 10. Marijuana Microbusiness: A person licensed to cultivate no more than 150 plants, process and package marijuana, conduct retail sale or transfer marijuana to individuals 21 years of age or older and transfer marijuana to a marijuana safety compliance facility for testing, but not to other Marijuana Establishments.
 11. Designated Consumption Establishment: A commercial space that is licensed by the state and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license.
- F. Marijuana Business: A Marijuana Facility under the MMFLA or Marijuana Establishment under the MRTMA, or both, pursuant to R420.1(p) of the Rules adopted by the Marijuana Regulatory Agency of the Michigan Department of Licensing and Regulatory Affairs and filed with the Michigan Secretary of State on June 22, 2020.
- G. Person: An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- H. Provisional License: A preliminary certification provided by the Township to an applicant for a Township License. A Provisional license is issued prior to a Township license, is accompanied by an attestation form, and allows the applicant to finalize the application for a State License.
- I. Special Land Use: A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Marquette Township Zoning Ordinance, and as authorized and established by the Marquette Township Planning Commission pursuant to Article 17 of the Township Zoning Ordinance.
- J. Special Use Permit: A permit issued following a public hearing conducted by the Township Planning Commission with such conditions and safeguards attached as deemed necessary for the protection of the public health, safety and welfare, pursuant to the authority granted by Section 504 of the Michigan Zoning Enabling Act, MCL 125.3504, and Article 17 of the Township Zoning Ordinance.
- K. State License: A license issued by the Department of Labor and Regulatory Affairs (LARA) that allows a person to operate a Medical Marijuana Facility or an Adult Use (Recreational) Marijuana Establishment.
- L. Township: The Charter Township of Marquette.

- M. Township License: A license issued by the Township to a person that allows that person to operate either a Marijuana Facility pursuant to the MMFLA or a Marijuana Establishment pursuant to the MRTMA within the Township.

Section 4:

Maximum Number of Marijuana Businesses:

The maximum number of each type of Marijuana Business license allowed in Marquette Township shall be as follows, regardless of whether a Marijuana Business qualifies as a Marijuana Facility or a Marijuana Establishment, and regardless of any co-location of equivalent licenses or licensed addresses within the Township.

Business Type	Total Number Allowed
Grower	2
Processor	2
Secure Transporter	2
Provisioning Center/Marijuana Retailer	4
Safety Compliance Facility	2
Marijuana Microbusiness	3
Marijuana Event Organizer	1
Temporary Marijuana Event	0
Designated Consumption Establishment	0

After adoption of this Ordinance, the Township Board shall periodically review the maximum number of each type of Marijuana Business allowed and determine whether this maximum number should be changed by amending this Ordinance. This review shall occur not less than annually, and the Board’s findings shall be recorded in the minutes of the relevant meeting of the Township Board.

Section 5:

Permitted Locations:

- A. Applicable Zoning Districts are referred to by the following abbreviations:

Development District	DD
General Business	GB
Resource Production	RP
Segregated Business	SB

B. Each type of Marijuana Business may be located within the following Zoning Districts:

Marijuana Business Type	Permitted Location			
Medical Marijuana Grower, Class A, B, or C		GB	SB	RP
Adult Use (Recreational) Marijuana Grower, Class A, B, or C		GB	SB	RP
Adult Use (Recreational) Marijuana Excess Grower			SB	RP
Medical Marijuana Processor		GB	SB	
Adult Use (Recreational) Marijuana Processor		GB	SB	RP
Medical Marijuana Secure Transporter		GB	SB	RP
Adult Use (Recreational) Marijuana Transporter		GB	SB	RP
Medical Marijuana Safety Compliance Facility		GB	SB	RP
Adult Use (Recreational) Marijuana Safety Compliance Facility		GB	SB	RP
Medical Marijuana Provisioning Center	DD	GB		
Adult Use (Recreational) Marijuana Retailer	DD	GB		
Adult Use (Recreational) Marijuana Microbusiness		GB	SB	
Adult Use (Recreational) Marijuana Event Organizer	DD	GB		

C. Every Marijuana Business, regardless of location, shall be required to apply for and obtain a Special Use Permit in accordance with Article 17 of the Township Zoning Ordinance prior to being issued a Township License. Every Marijuana Business licensee shall continuously comply with any and all conditions contained within the Special Use Permit, as established by the Township Planning Commission.

Section 6:

No Operation or Co-Location Without Separate License:

- A. No person shall operate a Marijuana Business in the Township without first obtaining both a validly issued State license and a Township license pursuant to the provisions of this Ordinance. Maintaining a valid State license for each Medical Marijuana Facility or Adult Use (Recreational) Marijuana Establishment is a condition for the issuance and maintenance of a Township license under this Ordinance, and continued operation of any Marijuana Business thereunder. Each licensee is responsible for providing a copy of the valid State license to the Township.
- B. If a Medical Marijuana Facility and an Adult Use (Recreational) Marijuana Establishment are proposed for co-location on the same lot(s) of record (e.g., a Medical Marijuana Provisioning Center and an Adult Use (Recreational) Marijuana Retailer), separate Township Licenses and Township license fees are required for each such operation. Moreover, a Township License for a Medical Marijuana Facility or an Adult Use (Recreational) Marijuana Establishment issued for one location cannot be used to operate at another location. A separate Township License and fee is required for each location at which a Medical Marijuana Facility and an Adult Use (Recreational) Marijuana Establishment is operated.

Section 7:

Annual License Application Fee:

A non-refundable Township License application fee shall be paid by each applicant for a Township license to operate either a Medical Marijuana Facility or a Medical Marijuana Establishment in the Township. The non-refundable fee shall be in an amount of not more than \$5000 as set by resolution of the Township Board, and which may from time to time be amended. The fee shall be paid with the initial application, as well as with each subsequent annual renewal application. The annual application fee is for the purpose of helping defray administrative and enforcement costs associated with the operation of a Medical Marijuana Facility or an Adult Use (Recreational) Marijuana Establishment in the Township.

Section 8:

License Application Requirements and Procedures:

- A. Every applicant for a Township License to operate a Medical Marijuana Facility or an Adult Use (Recreational) Marijuana Establishment shall file an application in the Zoning Administrator's office at the Marquette Township Hall, located at 1000 Commerce Drive, Marquette, Michigan 49855, upon a form provided by the Township.
- B. Every person who applies for a Township License to operate a Marijuana Business is encouraged to first apply for and obtain a finding of prequalification status from the Michigan Department of Licensing and Regulatory Affairs (LARA), Marijuana Regulatory Agency, as authorized by R420.3(2) of the Rules promulgated by that Agency, and as may subsequently be amended. It is anticipated that a finding of prequalification status will expedite the Township Licensing process, in many instances.
- C. Every Township License application shall contain, at a minimum, the following information:
 - If the applicant is an individual, the applicant's name; date of birth; Social Security Number; physical address, including residential and any business; copy of government-issued photo identification; email address; one or more telephone numbers, including emergency contact information.
 - If the applicant is not an individual, the names, dates of birth, physical addresses, including residential and any business address, telephone number(s), email address, and copy of government-issued photo identification for each person authorized to submit the application; list of each person holding ownership interest in the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person(s); Articles of Incorporation or Organization; assumed name registration; Internal Revenue Service EIN Confirmation; copy of Operating Agreement of applicant if a limited liability company; copy of Partnership Agreement if a partnership; names and addresses of Trustees and all beneficiaries, if a trust; or a copy of the By-Laws or Shareholder Agreement, if a corporation.
 - Type of Marijuana Business license being applied for.
 - Payment of non-refundable Township license application fee.
 - Name and address of the proposed Medical Marijuana Facility or Adult Use (Recreational) Marijuana Establishment.
 - Copy of deed, lease, purchase agreement, purchase option, or other documentation entitling the applicant to use and possession of the premises.
 - Water and wastewater management information.
 - Storm water management information.
 - A site plan complying with all requirements of the Township Zoning Ordinance.
 - Copy of the Special Use Permit with any and all conditions, approved and issued by the Township Planning Commission, pursuant to Article 17 of the Township Zoning Ordinance. Alternatively, an applicant may submit an application for a Special Use Permit, thereby allowing concurrent processing.
 - Detailed description of the business and organizational plan.
 - Detailed description of all proposed security measures.

- Any other information the Township reasonably requests that it deems relevant to the processing or consideration of the application.
 - Applicants have a duty to supplement submitted applications whenever any information submitted becomes incorrect, outdated, or inaccurate, or any changes that would make the applicant ineligible for a State or Township License.
- D. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the Zoning Administrator shall accept the application and assign it a sequential application number by facility or establishment type based on the date and time of acceptance. The Zoning Administrator shall determine whether a Township License is available within the category of license indicated on the application, and within the maximum number of available licenses for that category in the Township. The Zoning Administrator shall approve or deny an application not later than thirty (30) days from the date the application was accepted, or thirty (30) days from the date a Special Use Permit has been approved and issued, whichever occurs later. If approved, the Zoning Administrator shall issue the applicant a Provisional License. Once the maximum number of an authorized type of Medical Marijuana Facility or Adult Use (Recreational) Marijuana Establishment is reached by issuance of Provisional licenses, then any additional complete applications shall be held in consecutive order based on the time and date received for future Provisional licensing. Any applicant waiting for future Provisional licensing may withdraw its application by written notice to the Zoning Administrator at any time.
- E. A Provisional License means only that the applicant has submitted a valid application for a Medical Marijuana Facility license or an Adult User (Recreational) Marijuana Establishment license and that the type of Township License being applied for is available. The applicant may use a Provisional License to facilitate the application process for a State License. The applicant shall not operate a Medical Marijuana Facility or an Adult Use (Recreational) Marijuana Establishment without obtaining all other permits and approvals required by this Ordinance, by all other applicable ordinances and regulations of the Township, and by the State of Michigan. A Provisional License will lapse and be void if such permits and approvals are not diligently pursued to completion within two (2) years after the State of Michigan issues a Notice of Prequalification Status Approval, or within eight (8) months after the Township issues a Provisional License, whichever expires first. An extension of time may be granted in extenuating circumstances upon an applicant's written request and showing of good cause for delay. A request for an extension of time shall also include the estimated time to remedy the delay. Any extension of time shall be at the sole and absolute discretion of the Township Board. If the recipient of a Provisional License fails to obtain a full Township License within those times set forth in this subsection, the Zoning Administrator shall notify the holder of the Provisional License that the Provisional License is terminated, and of no further force or effect. A Provisional License shall then be available to the next applicant in consecutive time and date order.
- F. Within thirty (30) days from the applicant submitting proof of obtaining a State License and all required permits and approvals, the Zoning Administrator shall approve or deny the Township License for a Medical Marijuana Facility or Adult Use (Recreational) Marijuana Establishment. All Township Licenses shall expire at the same time as the corresponding State License for each such Facility or Establishment. Township Licenses may be renewed upon receipt of a complete renewal application and payment of the applicable fee for any Marijuana Business in good standing. Successive renewals will each be valid for one (1) year. Renewing and maintaining a valid State License is a condition for maintenance and renewal of a Township License under this Ordinance and continued operation of a Marijuana Business. Applications for renewal of a Township License shall be submitted to the Zoning Administrator not less than sixty (60) days prior to expiration of the annual Township License.

Section 9:

Appeals:

A Marijuana Business applicant or licensee may appeal the denial of or refusal to renew a license to the Township Board within fourteen (14) days from the date the decision was served by ordinary mail. A final decision by the Township Board may be appealed to a court of competent jurisdiction. The pendency of an appeal shall not stay or extend the expiration of any Township license. Provided, however, that nothing herein shall be deemed to modify or create any additional appeal rights beyond those procedures set forth in the Township Zoning Ordinance with regard to site plan review, application, issuance, or denial of Special Use Permits, zoning variances, or other matters specifically addressed by the Township Zoning Ordinance.

Section 10:

Non-transferability:

Neither a Medical Marijuana Facility license nor an Adult Use (Recreational) Marijuana Establishment license issued by the Township is transferrable to a different licensee or to a different location.

Section 11:

Additional Requirements Applicable to All Marijuana Businesses:

- A. A Marijuana Business that is issued a Township license must at all times remain in compliance with the laws of the State of Michigan, including but not limited to the Michigan Medical Marijuana Act, MCL 333.27421, et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.; the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951, et seq.; the Marijuana Tracking Act, MCL 333.27901, et seq.; and all Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs (LARA), Marijuana Regulatory Agency.
- B. A Marijuana Business that is issued a Township License must at all times remain in compliance with any and all laws and ordinances of the Township, including but not limited to the Marquette Township Zoning Ordinance; the Access Control and Land Development Ordinance, the Wastewater and Wastewater Collection Ordinance; the Water Ordinance; the Stormwater Management Ordinance; and all other Township Ordinances then in effect or hereafter enacted.
- C. No Marijuana Business shall be located within five hundred (500) feet of a public or private elementary or secondary school; a licensed childcare center or preschool; a public playground, public swimming pool, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; a religious institution; or a public library. The distance shall be measured as the shortest straight line between the nearest boundaries of the respective properties.
- D. All Marijuana Businesses shall implement an odor containment plan complying with the following requirements:
 1. Every building housing a Marijuana Business shall be equipped with an odor control and/or filtration system to ensure that odor leaving the building is not detectable upon any adjacent property, unless a mechanical engineer licensed in the State of Michigan provides a written opinion explaining why and how all detectable odor will, under all circumstances, be completely contained upon the Licensee's property without the need for such a system.
 2. Any odor control and/or filtration system shall be designed by a mechanical engineer licensed in the State of Michigan. Both engineered drawings and narrative describing the system sequence of operation must be provided to the Township for review either with the Special Use Permit application or not later than with the application for a Provisional license. The narrative shall provide odor control overview, a description of active filtration equipment, the number of building air exchanges, sequence of operation and how odor control system integrates with facility's heating, ventilation and cooling system.
 3. The engineer may be required to present a system overview during the Special Use Permit review or during consideration of the Provisional License or Township License.

4. The odor control and/or filtration system shall be maintained in good working order at all times.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
- E. Signage for Marijuana Businesses shall comply with all requirements of Article 22 of the Township Zoning Ordinance.
- F. A Marijuana Business shall not be allowed as a home occupation or accessory use.

Section 12:

Minimum Standards for Growers and Processors:

- A. Medical Marijuana Growers and Processors, and Adult Use (Recreational) Marijuana Growers and Processors shall be subject to the following minimum standards:
1. Minimum lot size. A minimum lot size standard shall apply as follows:
 - a. In the Resource Production (RP) Zoning District, the subject property shall be a minimum of forty (40) acres.
 - b. In the Segregated Business (SB) and General Business (GB) Zoning Districts, the subject property shall be a minimum of one (1) acre.
 2. Indoor production and processing.
 - a. In all Zoning Districts permissible, Marijuana Growers and Processors shall be located entirely within a fully enclosed, secured indoor facility or greenhouse with rigid walls, a roof, and doors.
 3. Lighting. Lighting shall be regulated as follows:
 - a. Light cast by light fixtures inside any building used as a Grower Facility or Establishment or a Processor Facility or Establishment shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 4. Security Cameras. If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan.

Section 13:

Minimum Standards Applicable to Medical Marijuana Provisioning Centers and Adult Use (Recreational) Marijuana Retailers:

- A. Medical Marijuana Provisioning Centers and Adult Use (Recreational) Marijuana Retailers shall be subject to the following minimum standards:
1. Hours. A Medical Marijuana Provisioning Center or an Adult Use (Recreational) Marijuana Retailer may only sell to customers or allow customers to be present in the building between the hours of 8:00 a.m. and 9:00 p.m.
 2. Indoor Activities. All activities of a Medical Marijuana Provisioning Center or an Adult Use (Recreational) Marijuana Establishment, including all transfers of marijuana, shall be conducted within the building and out of public view. Neither a Medical Marijuana Provisioning Facility nor an Adult Use (Recreational) Marijuana Establishment shall have a walk-up window or a drive-through window service.
 3. Other Activities. Neither marijuana nor tobacco products shall be smoked, ingested, or otherwise consumed in the building space occupied by the Medical Marijuana Provisioning Center or Adult Use (Recreational) Marijuana Retailer Establishment.
 4. Non-Conforming Uses. Neither a Medical Marijuana Provisioning Facility nor an Adult Use (Recreational) Marijuana Retailer Establishment shall be located in a building in which a non-conforming retail use had been established in any district.

Section 14:

Marijuana Safety Compliance Facility Minimum Standards:

Medical Marijuana Safety Compliance Facilities and Adult Use (Recreational) Marijuana Safety Compliance Establishments shall be subject to the following standards:

1. A Marijuana Safety Compliance Facility shall be subject to the special regulations and standards applicable to laboratories in the Marquette Township Zoning Ordinance.
2. All activities of a Marijuana Safety Compliance Facility or Establishment, including all transfers of marijuana, shall be conducted within the building and out of public view.
3. Site security shall conform to state requirements.

Section 15:

Marijuana Secure Transporter Minimum Standards:

Marijuana Secure Transporters shall be subject to the following minimum standards:

1. A Marijuana Secure Transporter shall be subject to the special regulations and standards applicable to automotive, tractor, trucking facility uses in the Marquette Township Zoning Ordinance.
2. Site security and vehicle security shall conform to state requirements.

Section 16:

Penalties and Enforcement:

- A. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500, plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law, to the fullest extent available.
- B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, Marquette Township may bring an action for injunctive or other equitable relief to restrain, prevent or abate any nuisance or violation of this Ordinance.
- C. To the extent not otherwise expressly delegated within this Ordinance, this Ordinance shall be enforced and administered by the Township's Ordinance Enforcement Officer, or such other Township official as may be designated from time to time by resolution of the Marquette Township Board.

Section 17:

Severability:

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 18.

Repeal of Inconsistent Ordinance:

Any ordinance inconsistent with the terms and provisions of this Ordinance are hereby repealed.

Section 19:

Effective Date:

This Ordinance shall take effect immediately upon publication pursuant to MCL 42.22.

By: Lyn J. Durant
Its: Supervisor

By: Randy Ritari
Its: Clerk

MOTION: To Approve the Medical Marijuana Facilities and Adult Use (Recreational) Marijuana Establishments Licensing and Regulatory Ordinance.

**Motion – Clerk Ritari
Second – Trustee Everson**

Roll Call Vote:

**Supervisor Durant - Aye
Clerk Ritari - Aye
Treasurer Johnson -Aye
Trustee Markes -Aye
Trustee Winslow - Aye
Trustee Everson - Aye
Trustee LaRue - Aye**

Carried (7-0)

MOTION: To approve the Proposed Zoning Text Amendments to allow for and Regulate Adult-Use Recreational and Medical Marijuana Facilities – Second Reading.

**Motion – Clerk Ritari
Second – Trustee Everson**

Roll Call Vote:

**Supervisor Durant - Aye
Clerk Ritari - Aye
Treasurer Johnson -Aye
Trustee Markes -Aye
Trustee Winslow - Aye
Trustee Everson - Aye
Trustee LaRue - Aye**

Carried (7-0)

Consider Proposed Zoning Text Amendments to Allow for and Regulate Mobile Food Trucks – Second Reading.

(Background from Planner McCarthy)

MOTION: To approve the Proposed Zoning Text Amendments to allow for and Regulate Mobile Food Trucks – Second Reading.

Motion – Clerk Ritari

Second – Trustee Winslow

Roll Call Vote:

Supervisor Durant - Aye

Clerk Ritari - Aye

Treasurer Johnson -Aye

Trustee Markes -Aye

Trustee Winslow - Aye

Trustee Everson - Aye

Trustee LaRue - Aye

Carried (7-0)

PUBLIC COMMENT: None

MEETING WRAP-UP:

Announcements:

Clerk Ritari, mentioned that we participated in the state wide risk limiting audit for the recent Election.

Manager’s Report

Manager Kangas, presented his written report.

Review of Motions Passed & Assignments, if any

Clerk Ritari, reviewed all motions from the meeting and any action items that needed to be done.

Items for Future Agenda (Contributions from Board, deferred items, items planned for future meetings scheduled for February) – Township Car as Surplus for Auction, Fee Schedule for Marijuana establishments.

Board Member Comment

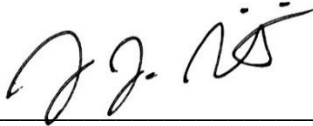
Trustee Winslow, gave a brief Planning Commission Report.

ADJOURNMENT:

MOTION: To adjourn the meeting.
Motion – Trustee Everson
Second – Clerk Ritari

Roll Call Vote:
Supervisor Durant - Aye
Clerk Ritari - Aye
Treasurer Johnson -Aye
Trustee Markes -Aye
Trustee Winslow - Aye
Trustee Everson - Aye
Trustee LaRue - Aye
Carried (7-0)

Supervisor Durant declared the meeting adjourned at 7:55 p.m.



Randy J. Ritari, Township Clerk

Lyn J. Durant, Township Supervisor