

**CHARTER TOWNSHIP OF MONROE**

**ORDINANCE NO. 140**

**ADOPTED: 9-11-2021**

**EFFECTIVE: IMMEDIATELY AFTER PUBLICATION AFTER ADOPTION**

**MARIHUANA BUSINESSES ORDINANCE**

**THE CHARTER TOWNSHIP OF MONROE**

**MONROE COUNTY, MICHIGAN**

**ORDAINS:**

**ADDITION OF ORDINANCE NUMBER 140 TO THE CHARTER TOWNSHIP OF  
MONROE CODE OF ORDINANCES**

The Monroe Charter Township Code of Ordinances is hereby amended to add Ordinance Number 140 as follows:

Marihuana Businesses Ordinance - Recreational (Adult Use) Establishments, Medical Facilities, and Caregivers

Recreational (Adult Use) Establishments, Medical Marihuana Facilities, and Caregivers shall conform and be subject to the following:

**Section 1: DEFINITIONS.**

Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951, et seq.), the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.27101, et seq.), the Michigan Medical Marihuana Act (MCL 333.26421 et seq.), and the administrative Rules promulgated for the abovementioned Acts.

**Section 2: PERMITTED MARIHUANA BUSINESSES.**

A. The Charter Township of Monroe is opting into Medical Marihuana. The following listed Recreational (Adult Use) Marihuana Establishments and Medical Marihuana Facilities shall be allowed to be located within the Charter Township of Monroe after receiving Special Land Use and Site Plan approval from the Planning Commission and further provided that the Marihuana

Business meets the conditions set forth in this Ordinance and Zoning Ordinance 52-2010, as amended, including, but not limited to, paying the Township Marihuana Business licensing fee and becoming a State Licensee within one year of the Charter Township of Monroe approval:

1. Marihuana Microbusiness
2. Marihuana Processor
3. Marihuana Retailer
4. Marihuana Provisioning Center
5. Marihuana Safety Compliance Facility
6. Marihuana Secure Transporter
7. Marihuana Grower
8. Marihuana Excess Grower

a. Marihuana Growers and Excess Growers in an LI Zoned District shall be allowed to have a Microbusiness, Retailer, or Provisioning Center as an Accessory Use (with the Accessory Use occupying no more than 10 percent of a building that accommodates the principal permitted use).

b. Marihuana Growers and Excess Growers in an LI Zoned District without a Microbusiness, Retailer, or Provisioning Center Accessory Use shall be allowed after receiving Site Plan Approval from the Planning Commission (Special Land Use approval not required).

c. The State of Michigan allows Recreational Marihuana Growers in a C-2 Zoned District, pursuant to Section 9.3 (c) of the MRTMA, MCL 333.27959.

**B.** Stacked licenses shall be allowed within the Charter Township of Monroe. For purposes of the limitations provided in A:

1. A Marihuana Business with stacked licenses counts as a single Marihuana Business.
2. There is no limit on stacked licenses for a single Marihuana Business.
3. There is no limit on stacked licenses for multiple Marihuana Businesses located on the same parcel.
4. There is no limit on the number of multiple Marihuana Businesses located on the same parcel.

**C. Establishments and Facilities Allowed**

	<u>Total Number</u>
1. Marihuana Microbusiness	Unlimited
2. Marihuana Processor	Unlimited

3. Marihuana Retailer	Unlimited
4. Marihuana Provisioning Center	Unlimited
5. Marihuana Safety Compliance Facility	Unlimited
6. Marihuana Secure Transporter	Unlimited
7. Marihuana Growers	Unlimited
8. Marihuana Excess Growers	Unlimited

**D.** Caregivers are permitted provided that the Marihuana Business meets the conditions set forth in the Michigan Medical Marihuana Act (MCL 333.26421 et seq.), this Ordinance, and Zoning Ordinance 52-2010, as amended, including but not limited to:

1. Caregivers must have approval from the State of Michigan.
2. Caregivers are allowed in the LI Zoned District.
3. Multiple caregivers can be located on the same parcel.
4. Caregivers are required to obtain a Zoning Compliance permit.
5. Caregivers must control odor and lighting.
6. Caregivers existing prior to the adoption of this Ordinance are grandfathered in. Existing Caregivers are not exempt from controlling odor and preventing lighting glare emitting from the premises.

### **Section 3: PROHIBITIONS AND RESTRICTIONS**

**A.** Home Occupations and Accessory Use Prohibited: A Marihuana Business, or activities associated with the business, shall not be permitted as a Home Occupation or Accessory Use.

**B.** Other Marihuana Facilities prohibited: Any Marihuana Business or Marihuana Event not specifically listed as a permitted business or event in Section 2 shall be prohibited with the Charter Township of Monroe.

**C.** Drive-Through and Mobile Marihuana Businesses are prohibited.

**D.** Marihuana Designated Consumption Establishments are prohibited.

E. Temporary Marihuana Events are required to obtain approval from the Charter Township of Monroe Board of Trustees. Proof of Marihuana Event Organizer License is required prior to approval.

#### **Section 4: SIGNAGE.**

Signage for Marihuana Businesses will be approved pursuant to the generally applicable procedures and standards provided in the Zoning Ordinance, with the additional restriction that signage may not be colored green, depict marihuana, marihuana-infused products, marihuana-related paraphernalia, or include other names for cannabis (marihuana, weed, dope, grass, ganja, roach, dank, reefer, pot, Mary Jane, doobie, joint, blunt, devil's lettuce, or dab). Sign names must be approved by the Planning Commission.

#### **Section 5: LICENSING FEE REQUIRED**

A. No person shall establish or operate a Marihuana Business in the Charter Township of Monroe without first having obtained approval from the Charter Township of Monroe Planning Commission and a State operating license for each such Marihuana Business to be operated.

B. There shall be an annual nonrefundable licensing fee to defray the administrative and enforcement costs associated with Marihuana Businesses located in the Charter Township of Monroe of \$5,000.00 per Establishment or Facility license.

C. The nonrefundable licensing fee set forth in this chapter shall be in addition to, and not in lieu of, any other licensing, application fees, and permitting requirements including any applicable fees for special land use review, site plan review, zoning review, inspections or building permits.

#### **Section 6: USE REQUIREMENTS**

A. **State and Local Licensing and Registration.** At the time of application, the Marihuana Business must provide proof to the Charter Township of Monroe that the applicant has received pre-qualification to be licensed by the Marihuana Regulatory Agency of the State of Michigan, or its designated successor. Upon approval, all owners, possessors, occupants, partnerships, corporations, and/or employees shall at all times be in compliance with the laws of the State of Michigan and ordinances of the Charter Township of Monroe. Within a year of approval by the Charter Township of Monroe, the applicant must show proof that it has become a State Licensee.

**B. Waste Water.** All Marihuana Businesses shall be designed and operated so as to minimize the amount of pesticides, fertilizers, nutrients, marihuana, and any other potential contaminants discharged into the wastewater and/or stormwater systems as shall be determined by the Charter Township Engineer, and either the City of Monroe Water and Wastewater Utilities or the Monroe County Health Department, whichever agency is affected.

**C. Odor Control.** All Marihuana Businesses must be equipped with an operable filtration, ventilation, and exhaust system that at all times effectively confines odors to the interior of the building from which the odor is generated. The air filtration system removing aroma/odors etc. shall not have any discharges or decent that will enter or be discharged into the wastewater system.

**D. Security Requirements.** All Marihuana Businesses must have an adequate security plan to prevent access to marihuana by non-authorized personnel, including unauthorized removal of any marihuana. All rooms that contain marihuana, in any form, must be individually locked and accessible only to authorized personnel. The building(s) housing the Marihuana Business shall all be equipped with security cameras approved by the State of Michigan, maintained in operational order, and installed in such a way as to monitor the entire perimeter of the building(s) including all parking lots and areas accessible by individuals and capable of recording and storing both on and off site a minimum of 120 continuous hours of the perimeter monitoring. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. The County of Monroe Sheriff's Department may require review and recommendation of a proposed security plan by an independent consultant with credentialed expertise in the field of site/business security measures. The cost of an independent review by an independent security consultant shall be paid by the applicant. All security plans shall be approved by the State and the Charter Township of Monroe prior to the operation of any Marihuana Business.

**E. Liability Release and Insurance Documentation.** The Charter Township of Monroe requires: (a) An executed release of liability, indemnification and hold harmless agreement in the form set forth in the Charter Township of Monroe's application form; and (b) proof of insurance providing (i) general liability coverage for loss, liability and damage claims arising out of injury to persons or property in an amount to be set by resolution of the Township Board; (ii) that the premium has been paid in advance for a full year from the date of the Certificate of Occupancy; and (iii) and that such insurance includes the Charter Township of Monroe as an additional insured pursuant to a CG 2010 or 2012 endorsement, provided, however, that a Letter of Intent to Insure signed by an insurance company will be accepted as proof of insurance for approval purposes, provided that the additional requirements must be met before the Charter Township of Monroe shall issue a Certificate of Occupancy.

**F. Notarized Acknowledgement of Operational Requirements.** The applicant shall submit a signed and notarized statement by all individuals seeking approval to operate the Marihuana that they are each (a) aware of the Special Land Use and Site Plan approval requirements, including but not limited to, the rights and prohibitions relating to indoor activity, inspections, prohibited activities, revocation and suspension of Special Land Use and Site Plan approval, and unlawful activities; and (b) agree to operate the Marihuana Business in strict compliance with the Special Land Use and Site Plan requirements of the Charter Township of Monroe upon receiving approval to operate such Marihuana Business. If at any point in time the individuals licensed by the State to operate the Marihuana Business changes, the subsequent licensees shall be required to provide a revised Notarized Acknowledgement of Operational Requirements before conducting any activities on site.

**G. Inspections.** A Marihuana Business shall be subject to inspection to ensure compliance with all applicable Charter Township of Monroe codes and ordinances and State law and subject to annual inspections by the Charter Township of Monroe Fire Department.

**H. Prohibited Activities.** No smoking, inhalation, or consumption of marihuana shall take place on the premises of any Marihuana Business.

**I. Unlawful Activities.** Any uses or activities found by the State of Michigan or a court of competent jurisdiction to be unconstitutional or otherwise unlawful by State law shall not be permitted by the Charter Township of Monroe.

## **Section 7: RENEWAL**

A copy of the state operating license(s) from the State of Michigan must be provided with payment (either in cash or cashier's check) and a written request to be placed on the Charter Township of Monroe Board of Trustees' agenda prior to the annual renewal date (Section 5.B). Failure to make a written request to be placed on the Charter Township of Monroe Board of Trustees' agenda within 30 days of the annual renewal date (one year from the date of the Planning Commission's approval), provide a copy of the state operating license(s) from the State of Michigan, and pay the \$5,000 annual licensing fee (per license) by the renewal date could result in notification to the State of Michigan that requirements have not been met for renewal and possible revocation of the license(s) (Section 10).

## **Section 8: ASSIGNABLE; TRANSFERABLE.**

If the current owner, operator, possessor, or person becomes ineligible, Marihuana Business approval is assignable or transferable to a new owner, operator, possessor, or person with the

specific approval of the Charter Township of Monroe Board of Trustees, which will be conditioned upon the proposed assignee or transferee's compliance with ordinance requirements, and laws, rules, and regulations of the State of Michigan relating to Marihuana Businesses. The Planning Commission's Special Land Use and/or Site Plan approval is not assignable to any new owner, operator, possessor, or person without the specific approval of the Charter Township of Monroe Board of Trustees. It may be assignable or transferable to spouses, adult children, or other operators in the Marihuana Business if there are mitigating circumstances. Unapproved transfer, sale or other conveyance of interest is grounds for suspension or revocation of the license or for other appropriate sanction.

**Section 9: OTHER LAWS REMAIN APPLICABLE.**

To the extent the State of Michigan adopts in the future any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any Marihuana Business in the Township. Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any approval under this Ordinance, and noncompliance with any applicable State law or regulation shall be grounds for revocation or suspension of any approval issued hereunder.

**Section 10: NONRENEWAL, SUSPENSION, REVOCATION, APPEALS.**

A. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized Recreational (adult use) Marihuana Establishment or Medical Marihuana Facility a vested right, privilege or permit to continued licensure from the Township for operations within the Township.

B. Each license is exclusive to the licensee. No transfer, sale or other conveyance of an interest in a license may occur without prior approval by the Charter Township of Monroe Board of Trustees. Unapproved transfer, sale or other conveyance of interest is grounds for suspension or revocation of the license or for other appropriate sanction.

C. The Charter Township of Monroe Board of Trustees, after notice and hearing, may suspend, revoke or refuse to renew a license for any of the following reasons:

1. The applicant or licensee, or his/her agent, manager or employee, has violated, does not meet or has failed to comply with any of the terms, requirements, conditions of provisions of this ordinance or with any applicable state or local law or regulation;

2. The Recreational (adult use) Marihuana Establishment and/or Medical Marihuana Facility has operated in a manner that adversely affects the public health, safety and welfare.

D. Evidence to support a finding for nonrenewal, suspension or revocation of a license may include, without limitation, a continuing pattern of conduct of drug related criminal complaints within the premises of the Recreational (adult use) Establishment and/or Medical Marihuana Facility or in the immediate surrounding area or an ongoing nuisance condition emanating from or caused by a Recreational (adult use) Marihuana Establishment and/or Medical Marihuana Facility.

E. An applicant may appeal any Township decision regarding licensure, nonrenewal, suspension or revocation of a license to the full Charter Township of Monroe Board of Trustees, upon written request. An applicant requesting such appeal shall submit the request in writing to the Charter Township of Monroe Clerk, which request shall include reasons for the appeal. The Charter Township of Monroe Clerk shall, within a reasonable time thereafter, provide notice to the application of the time and date of the Charter Township Board of Trustees' meeting at which the appeal will be heard. At such Charter Township of Monroe Board of Trustees' meeting, the applicant will have the opportunity to present his/her case supporting their appeal request.

#### **Section 11: VIOLATION AND PENALTIES.**

A. Any person, including, but not limited to, any licensee, manager or employee of a Marihuana Establishment or Marihuana Facility, or any customer of such business, who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction punishable by a fine of \$500.00, plus court-imposed costs and any other relief that may be imposed by the court.

B. In addition to any civil fine imposed for a municipal civil infraction violation, a violation of this Ordinance shall also be sufficient grounds for the suspension, revocation or nonrenewal of the Charter Township of Monroe Board of Trustees' approval.

C. In addition to the possible suspension, revocation or nonrenewal of approval issued under the provisions of this Ordinance, the Township Attorney is authorized to seek such other relief that may be available and provide by law or equity, including filing a public nuisance action or seeking injunctive relief against a person alleged to be in violation of the Ordinance or the Charter Township of Monroe Zoning Ordinance.

#### **Section 12: SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in

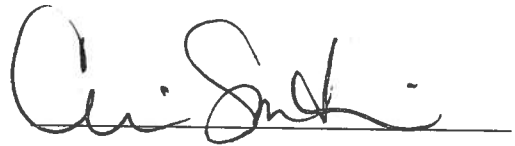


full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing recreational (adult use) and medical marihuana businesses, pursuant to the Michigan Regulation and Taxation of Marihuana Act (MCL 333.279.51 et seq.), the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.27101, et seq.), and the Michigan Medical Marihuana Act (MCL 333.26421 et seq.).

**Section 13: EFFECTIVE DATE AND REPEAL.**

This ordinance shall become effective immediately after publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

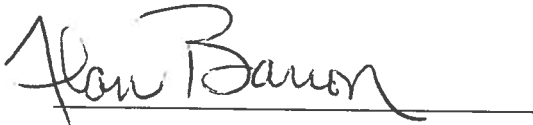
This ordinance was enacted at a Special Meeting of the Monroe Charter Township Board, held on the 9<sup>th</sup> day of September, 2021, 7 Board Members being present and 7 voting in favor thereof.



Christina Smith- Clerk

Monroe Charter Township

Attested:



Alan Barron- Supervisor

Monroe Charter Township