

ORDINANCE 70 MARIJUANA ESTABLISHMENTS

An Ordinance to regulate marijuana establishments within Chocolay Township pursuant to initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended, to provide for and protect the public health, safety and welfare of persons within Chocolay Township by regulating marijuana establishments within its boundaries; to provide penalties for violation of this Ordinance; to repeal all ordinances or parts of ordinances in conflict, and to provide an effective date.

THE CHARTER TOWNSHIP OF CHOCOLAY ORDAINS:

Section 1 Title

This Ordinance shall be known and cited as the Chocolay Township Marijuana Establishments Ordinance.

Section 2 Definitions

Word or Phrase	Definition
Marijuana Establishment	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 department.
Marijuana Grower	A person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments
Marijuana Microbusiness	A person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments
Marijuana Process or Processing	Separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana-infused products
Marijuana Processor	An establishment that grows, separates, or otherwise prepares products for retail purchase
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
Marijuana Research	Means specifically the research of cannabis, herbal extract, and natural product industries
Marijuana Safety Compliance Facility	A facility licensed to test marijuana, cannabis products, and derivatives products of marijuana, including certification for potency and the presence of contaminants
Marijuana Secure Transporter	A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments
State License	A license issued by the department that allows a person to operate a marijuana establishment



Section 3 Regulations

The Township has extensive history in rural living. Our zoning history is based on that rich history of agriculture, open space, environmental protractations, and natural beauty. For those reasons the Township has elected to allow Marijuana Establishments in the following zoning districts based on the type of business and the character of the land use.

The table below shows the only zoning classifications that will permit such establishments. In addition, establishments must meet the general character of the local neighborhood and reduce the potential impacts from non-compatible mixes. Furthermore, each establishment permit issued by the Township must be consistent will the Township Zoning Ordinances, which include but not limited to: site plan review, sign ordinance, security operations, and parking.

Zoning District	Establishment	Number of Permitted Establishments	General Setbacks
Agriculture / Forestry (AF)	Marijuana Microbusiness Marijuana Grower Marijuana Processor Marijuana Safety Compliance Facility	3	Match the setbacks for the district and State regulations
Mixed Use Overlay District	Marijuana Microbusiness Marijuana Research Marijuana Safety Compliance Facility	2	Match the setbacks for the district and State regulations
Industrial (I)	Marijuana Microbusiness Marijuana Grower Marijuana Research Marijuana Safety Compliance Facility	2	Match the setbacks for the district and State regulations

Additional Requirements

- 1) Secure Transportation of Marijuana will be regulated by State licensing and not by the Township
- 2) No Marijuana Establishments will be permitted without prior State of Michigan Licensing.
- 3) All Marijuana Establishments must have a use permit, which will be subject to revocation with any breach of the Laws and Regulations of the State.
- 4) All permits granted to a Marijuana Establishment shall only be effective for 365 days from the date of Township Approval signature.
- 5) All Marijuana Establishments will conform to the minimum setbacks and design requirements of the Laws of the State of Michigan and the Chocolay Township Site Plan Review Process.
- 6) All proposed Marijuana Establishments will not be allowed to operate without the following Approvals:
 - State of Michigan Permit to Operate
 - Chocolay Township Site Plan Approvals
 - Chocolay Township Zoning Compliance Permit
 - Marquette County Building Authority Approval to Operate



Section 4 Violations & Penalties

- (A) Any person who disobeys, neglects, or refuses to comply with any provision of this Ordinance or who causes, allows, or consents to any of the same shall be responsible for the violation of this Ordinance. A violation of this Ordinance is deemed to be nuisance per se.
- (B) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies, including injunctive enforcement. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
- (C) Each day during which any violation continues shall be deemed a separate offense.
- (D) The Township may seek injunctive relief against all persons or entities alleged to be in violation of this Ordinance, and such other relief as may be provided by law or equity.
- (E) This Ordinance shall be administered, enforced, and citations for violation issued by the Chocoday Township Police Department, the Ordinance Enforcement Officer of the Township, any authorized local official as defined under Chapter 87 of the Revised Judicature Act of 1961, as amended, MCL 600.8701, et seq., or by such other person(s) as designated by the Township Board from time to time.

Section 5 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 this Ordinance which shall continue in full force and effect.

Section 6 Repeal

All ordinances or parts of ordinances in conflict herewith are repealed.

Section 7 Effective Date

This Ordinance shall be published within 15 days of adoption by the Board and will take effect eight days after publication.

