

CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2022-179

ADOPTED: APRIL 13, 2022

EFFECTIVE: (SEE SECTION 6)

An Ordinance to amend various sections of Chapter 220 (Zoning) of the Rutland Charter Township Code pertaining to allowing certain types of marihuana business land uses in the Township as special land uses in designated zoning districts.

THE CHARTER TOWNSHIP OF RUTLAND

BARRY COUNTY, MICHIGAN

ORDAINS:

SECTION 1

AMENDMENT OF §220-2-2 (Definitions)

§220-2-2 of the Rutland Charter Township Code (Definitions) is hereby amended to add several new defined terms reading as follows:

MARIHUANA — That term as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

MARIHUANA BUSINESS — Any of the following terms as further defined herein: marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, medical marihuana grower, medical marihuana safety compliance facility, medical marihuana processor, medical marihuana provisioning center, and medical marihuana secure transporter. This term is synonymous with the term “marihuana establishment”, except this term does not include any type of marihuana business under the MRTMA or MMFLA that is not specifically included in this definition; and is also not intended to include any land use or activity that is subject to a “special license” issued by the State pursuant to R 420.21 of the Michigan Administrative Code. Further, no provision of Chapter 220 pertaining to a “temporary event” (such as §220-17-3.E.) is intended to apply to any type of marihuana business/marihuana establishment or related event.

MARIHUANA GROWER — A location where a licensee under the MRTMA lawfully cultivates marihuana and sells or otherwise transfers marihuana to marihuana establishments, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:

- Class A---100 marihuana plants.
- Class B---500 marihuana plants.
- Class C---2,000 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

MARIHUANA MICROBUSINESS — A location where a licensee under the MRTMA lawfully cultivates not more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A location where a licensee under the MRTMA lawfully obtains marihuana from marihuana establishments; processes and packages marihuana; and sells or otherwise transfers marihuana to marihuana establishments.

MARIHUANA RETAILER — A location where a licensee under the MRTMA lawfully obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A location where a licensee under the MRTMA lawfully tests marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A location of the primary place of business for a licensee under the MRTMA to lawfully obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA GROWER — A location where a licensee under the MMLFA lawfully cultivates, dries, trims, or cures and packages marihuana for sale to a medical marihuana processor, medical marihuana provisioning center, or another medical marihuana grower, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each medical marihuana grower license the medical marihuana grower holds in that class:

- Class A--- 500 marihuana plants.
- Class B---1,000 marihuana plants.
- Class C---1,500 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

MEDICAL MARIHUANA PROCESSOR — A location where a licensee under the MMFLA lawfully 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 medical marihuana provisioning center or another medical marihuana processor.

MEDICAL MARIHUANA PROVISIONING CENTER — A location where a licensee under the MMFLA lawfully purchases marihuana from a medical marihuana grower or medical marihuana processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers, and includes any commercial property where marihuana is lawfully sold at retail to registered qualifying patients or registered primary caregivers.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY — A location where a licensee under the MMFLA lawfully takes marihuana from a medical marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

MEDICAL MARIHUANA SECURE TRANSPORTER — A location where a licensee under the MMFLA lawfully stores marihuana and transports marihuana between medical marihuana facilities for a fee.

MMFLA — The Medical Marihuana Facilities Licensing Act, MCL 333.26421-333.26430, including such amendments of same as may be made from time-to-time.

MRTMA — The Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951-333.27967, including such amendments of same as may be made from time-to-time.

SECTION 2

AMENDMENT OF §220-4-3 (special land uses in AG/OS Agricultural/Open Space Preservation District)

§220-4-3 of the Rutland Charter Township Code pertaining to land uses designated as special land uses in the AG/OS Agricultural/Open Space Preservation District is hereby amended to include the following new designated special land uses:

- Marihuana Grower (Class A, B, or C).
- Medical Marihuana Grower (Class A, B, or C).
- Marihuana Processor.
- Medical Marihuana Processor.

Marihuana Microbusiness.
Marihuana Secure Transporter.
Medical Marihuana Secure Transporter.

SECTION 3

AMENDMENT OF §220-9-3 (special land uses in MU Mixed Use District)

§220-9-3 of the Rutland Charter Township Code pertaining to land uses designated as special land uses in the MU Mixed Use District is hereby amended to include the following new designated special land uses:

Marihuana Processor.
Medical Marihuana Processor.
Marihuana Retailer.
Medical Marihuana Provisioning Center.
Marihuana Microbusiness.
Marihuana Secure Transporter.
Medical Marihuana Secure Transporter.
Marihuana Safety Compliance Facility.
Medical Marihuana Safety Compliance Facility.

SECTION 4

AMENDMENT OF §220-12-3 (special land uses in LI Light Industrial District)

§220-12-3 of the Rutland Charter Township Code pertaining to land uses designated as special land uses in the LI Light Industrial District is hereby amended to include the following new designated special land uses:

Marihuana Grower (Class A, B, or C).
Medical Marihuana Grower (Class A, B, or C).
Marihuana Processor.
Medical Marihuana Processor.
Marihuana Secure Transporter.
Medical Marihuana Secure Transporter.
Marihuana Safety Compliance Facility.
Medical Marihuana Safety Compliance Facility.

SECTION 5

AMENDMENT OF §220-20-7 (pertaining to specific approval standards required of particular special land uses)

§220-20-7 of the Rutland Charter Township Code pertaining to specific approval standards required of particular special land uses is hereby amended to add to the Table at the beginning of that section the appropriate entries for each new special land use specified in Sections 2-4 of this Ordinance with a reference to Item Number 14 in

the last column of that Table; and to add the subsequent text for Item Number 14 reading as follows:

Item 14---Marihuana Business

- A. Each allowed type of Marihuana Business shall meet all of the following locational standards:
 - 1. A Marihuana Business shall not be located in any dwelling unit.
 - 2. A Marihuana Business shall not be located within 1000 feet of a pre-existing private or public school providing education in kindergarten or any grades 1-12. This separation distance shall be measured in a straight line from the nearest property line of a protected use to the nearest portion of the building occupied by the Marihuana Business, and shall apply even if the protected use is located across the boundary line of the Township with another municipal entity.
- B. A Marihuana Microbusiness, Marihuana Retailer, and Medical Marihuana Provisioning Center shall comply with the locational standards in preceding subsection A, and shall also comply with all of the following additional standards:
 - 1. All activities shall be conducted within an enclosed building.
 - 2. The business shall open no earlier than 9:00 a.m. local time and close no later than 9:00 p.m. local time.
- C. A Marihuana Grower, Marihuana Processor, Marihuana Safety Compliance Facility, Medical Marihuana Grower, Medical Marihuana Processor, and Medical Marihuana Safety Compliance Facility shall comply with the locational standards in preceding subsection A, and shall also comply with all of the following additional standards:
 - 1. All activities shall be conducted within an enclosed building.
 - 2. The business shall be designed and operated to prohibit any unlawful discharge of pesticides, fertilizers, nutrients, marijuana, and other potential contaminants into the public wastewater and/or stormwater systems.
 - 3. No marijuana shall be cultivated, grown, manufactured, processed, handled or tested in any manner that allows the emission of odors beyond the interior of the building or which is otherwise discernable to another person outside of the building. Such odor emissions shall be prevented by the installation of operable filtration or ventilation and exhaust equipment.

4. No marijuana shall be cultivated, grown, manufactured, processed, handled or tested in any manner that allows the emission of noise beyond the interior of the building or which is otherwise discernable to another person outside of the building.
 5. The business shall maintain a secure, closed environment where marihuana is to be stored, grown, processed, or tested, in order to prevent the inadvertent and/or unauthorized removal of marihuana from the facility.
- D. A Marihuana Secure Transporter and Medical Marihuana Secure Transporter shall comply with the locational standards in preceding subsection A, and shall also comply with all of the following additional standards:
1. All activities shall be conducted within an enclosed building, except where such activities are necessarily and lawfully conducted within a motor vehicle.
 2. All businesses, vehicles, and processes shall be designed and operated to comply with the odor emission requirements in preceding subsection C.3.
 3. All businesses, vehicles, and processes shall have security sufficient to prevent access to the marihuana by non-authorized personnel, including unauthorized removal.
 4. A secure transporting vehicle shall not bear any markings or identification that it is carrying marihuana.
- E. Signs for any marihuana business shall comply with the Township sign ordinance.
- F. All Special Land Use Permits granted to a Marihuana Business pursuant to Chapter 220 of the Rutland Charter Township Code shall be conditioned on issuance of a Municipal License for that Marihuana Business by the Rutland Charter Township Clerk pursuant to Ordinance No. 2022-180, and on issuance of a license to operate the business by the State of Michigan pursuant to MRTMA and/or MMFLA.
- G. Consistent with the Michigan Zoning Enabling Act, Special Land Use Permits shall be designated to the property where the Special Land Use is approved, not to the entity or individual applying for the Special Land Use Permit.

SECTION 6

EFFECTIVE DATE

- A. Initial effective date. This Ordinance shall initially take effect on the latter of the following dates: the 8th day after publication of a Notice of Adoption for this Ordinance or such later date as may be required by law; or 30 days after publication of a Notice of Adoption for Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance) as required by law.
- B. Causes of repeal after initial effective date. Upon initially taking effect this Ordinance shall remain in effect thereafter, subject to the following events, any of which shall cause this Ordinance to be automatically repealed in its entirety and cease to be in effect upon the occurrence of such an event:
1. This Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses) is rejected by the electors pursuant to Section 402 of the Michigan Zoning Enabling Act (MCL 125.3402).
 2. This Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses) takes effect but is repealed by subsequent ordinance adoption action of the Rutland Charter Township Board.
 3. Any provision of Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance) is in any manner amended, superseded, or otherwise invalidated in whole or in any part by a petition-initiated ordinance approved by the electors pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27956(1)).
 4. Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance) takes effect but is repealed by subsequent ordinance adoption action of the Rutland Charter Township Board.

SECTION 7

REPEAL

Upon the initial effective date of this Ordinance No. 2022-179 (zoning text amendments) and Ordinance No. 2022-180 (Marihuana Business Licensing Ordinance), Ordinance No. 2019-167 completely prohibiting any marihuana establishment within the boundaries of Rutland Charter Township is repealed, to the extent of any conflicts with this Ordinance No. 2022-179 and/or Ordinance No. 2022-180; but such repeal is hereby expressly conditioned on this Ordinance No. 2022-179 and Ordinance No. 2022-180 continuing in effect after the initial effective date of each as specified in Section 6 of this Ordinance No. 2022-179 and Section 16 of Ordinance No. 2022-180. If this Ordinance No. 2022-179 or any part of same, or Ordinance No. 2022-180 or any part of same, ceases to be in effect subsequent to the initial effective

date of each for any reason as specified in Section 6 of this Ordinance 2022-179 and Section 16 of Ordinance No. 2022-180, or otherwise, Ordinance No. 2019-167 shall be deemed immediately reinstated in its entirety.

Robin Hawthorne, Clerk
Charter Township of Rutland