

**TOWNSHIP OF MUELLER
COUNTY OF SCHOOLCRAFT, STATE OF MICHIGAN**

ORDINANCE NO. 2017-09-11

ADOPTED: 9-11-2017

EFFECTIVE: 10-25-2017

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in Mueller Township pursuant to Public Act 281 of 2016, as may be amended; to provide annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

**THE TOWNSHIP OF MUELLER
SCHOOLCRAFT COUNTY, MICHIGAN**

ORDAINS:

Section 1001. Title

**This ordinance shall be know as and may be cited as the
"Mueller
Township Police Power Ordinance"**

secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421 et seq.

F. "Processor"-means 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.

G. "Secure transporter" means a licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee.

H. "Provisioning center" means 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 primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marijuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

I. "Safety compliance facility" means 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.

Section 420.4 Zoning Districts

The following types of licensed marijuana facilities shall be allowed in Mueller Township:

- Class A, B and C Growers shall be permitted uses in the following zoning districts:
 - Agricultural
 - Resource Production
 - Industrial
 - Rural Residential

- Processors shall be permitted uses in the following zoning districts:
 - Agricultural
 - Resource Production
 - Industrial
 - Rural Residential

- Secure transporters shall be permitted uses in the following zoning districts:
 - Agricultural
 - Resource Production
 - Industrial

- Provisioning centers shall be permitted uses in the following zoning districts:
 - Town District
 - Agricultural
 - Resource Production
 - Industrial

- Safety compliance facilities shall be permitted uses in the following zoning districts:
 - Agricultural
 - Resource Production
 - Industrial
 - Rural Residential

Section 420.5 Permitted Use Requirements

A. Marijuana grower, marijuana processor, marijuana provisioning center, Marijuana secure transporter, and Marijuana safety compliance facility shall permitted as permissible use in the above districts, but must comply with the following:

1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not allowed by state law may not be permitted by Mueller Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Mueller Township may suspend the acceptance of applications or issuance of permits pending the resolution of the legal issue in question.

2. The marijuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and other applicable rules promulgated by the State of Michigan.

Section 420.6 Nonconformities

A. No marijuana facility operating or purporting to operate prior to the issuance of MMFLA licenses, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.

B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or the police power ordinance to

authorize and regulate the establishment of medical marihuana facilities or any amendment thereto.

C. Discontinuation of a state medical marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

420.7 Effective Date

This Ordinance shall become effective thirty (30) days after this Ordinance or summary thereof has been published in a local newspaper, as provided by law.

The "Mueller Township Zoning Ordinance Amendments" was offered for adoption by Township Board Member GLASSCOCK and was supported by Township Board Member M. LEE the vote being as follows:

Supervisor Glasscock Yes

Clerk Lee No

Treasurer Lee Yes

Trustee Hendrickson Yes

Trustee Hamill Yes

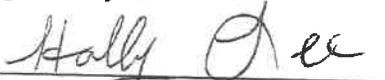
ORDINANCE DECLARED ADOPTED.



Holly Lee, Clerk
Mueller Township

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Mueller Township Board at a regular meeting held at the Township Hall on September 11th, 2017, pursuant to the procedures required by law.



Holly Lee, Clerk
Mueller Township