

**REPUBLIC TOWNSHIP  
MARQUETTE COUNTY, MICHIGAN  
RECREATIONAL MARIJUANA ESTABLISHMENTS ORDINANCE No. 2019-9  
AMENDMENT**

**ORDINANCE NO. 2020-3**

At a regular meeting of the Township Board of Republic Township, Marquette County, Michigan, held at the Republic Township Hall on April 23, 2020 at 7:00 p.m., Township Board Member Kristina Koski moved to introduce the following ordinance, which motion was seconded by Township Board Member John Ulrich:

*An Ordinance to amend the Republic Township's Recreational Marijuana Establishments Ordinance No. 2019-9, as amended, to clarify eligibility for application, the number of permits available, and required spacing.*

REPUBLIC TOWNSHIP, MARQUETTE COUNTY, MICHIGAN ORDAINS:

**SECTION 1. AMENDMENT TO SECTION 3, PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE; ELIGIBILITY; GENERAL PROVISIONS.** Section 3, entitled "Permit Required; Number of Permits Available; Eligibility; General Provisions," shall be amended to read as follows:

**Section 3. Permit Required; Number of Permits Available; Eligibility; General Provisions.**

1. The Township hereby authorizes the operation of the following types of Marijuana Establishments, subject to the number of available Permits issued in this Section:
  - a. Marijuana Grower, Class A - cultivation of not more than 100 marijuana plants; and
  - b. Marijuana Grower, Class B - cultivation of not more than 500 marijuana plants; and
  - c. Marijuana Grower, Class C - cultivation of not more than 2,000 marijuana plants; and
  - d. Excess Marijuana Growers; and
  - e. Marijuana Microbusinesses (150 marijuana plants); and
  - f. Marijuana Processors; and
  - g. Marijuana Retailers; and

- h. Marijuana Secure Transporters; and
  - i. Marijuana Safety Compliance Facilities; and
  - j. Designated Consumption Establishments; and
  - k. Marijuana Event Organizers; and
  - l. Temporary Marijuana Events.
2. The number of Marijuana Establishment Permits in effect at any time shall not exceed the following maximums within the Township:
- a. Marijuana Grower Permits, Class A: 3
  - b. Marijuana Grower Permits, Class B: 3
  - c. Marijuana Grower Permits, Class C: 3
  - d. Excess Marijuana Grower Permits: 12
  - e. Marijuana Microbusiness Permits: 3
  - f. Marijuana Processor Permits: 3
  - g. Marijuana Retailer Permits: 3
  - h. Marijuana Secure Transporter Permits: Unlimited
  - i. Marijuana Safety Compliance Facility Permits: Unlimited
  - j. Designated Consumption Establishment Permits: Zero
  - k. Marijuana Event Organizer Permits: 2
  - l. Temporary Marijuana Event Permit: 2 annually
  - m. The Township Board may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.
3. No Permit shall be issued to any Person under this Ordinance unless the Person has previously or concurrently applied for or has obtained and currently holds an equivalent permit under the Republic Township Michigan Marijuana Facilities Licensing Ordinance, number 2018-38, as amended, except for any Person applying for a Marijuana Grower Class A Permit, Marijuana Microbusiness, or Marijuana Safety

Compliance Facility, until otherwise indicated by a resolution of the Township Board.

4. No Person shall operate a Recreational Marijuana Establishment at any location within the Township unless a then-currently-effective Permit for a Recreational Marijuana Establishment for that Person at that location has been issued under this Ordinance.
5. Marijuana Establishments shall operate only as expressly allowed under this Ordinance.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other Licensing or Permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of Application, each Applicant shall pay applicable fees for Permits to the Township to defray the costs incurred by the Township for inspection, administration, review, oversight, and enforcement of the local regulations regarding Marijuana Establishments. The Township Board shall by resolution set the required fees in an amount not to exceed any limitations imposed by Michigan law.
8. A Permit or Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid only for one (1) year following its approval.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or Township Permit.
11. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and other applicable Ordinances and the transfer has been authorized under this Ordinance by the Township Board. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property, except for a change in location requested as part of a renewal application.
12. The original and current Permit issued under this Ordinance shall at all times be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement officials and administrative authorities.
13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents, employees, agents, and representatives for any state, federal or local law enforcement agency to conduct random and unannounced

examinations of the Establishment and all records, materials, and property in that Establishment at any time to review compliance with this Ordinance, state law, any other local regulations, and the Permit.

14. A Permit Holder may not engage in any other Marijuana Establishment in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.

**SECTION 2. AMENDMENT TO SECTION 7, OPERATIONAL REQUIREMENTS-MARIJUANA ESTABLISHMENT.** Section 7, entitled “Operational Requirements-Marijuana Establishment,” shall be amended to read as follows:

**Section 7. Operational Requirements–Marijuana Establishment.** A Marijuana Establishment issued a Permit under this Ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Marijuana Establishments shall comply with all applicable codes, including local zoning, building, and health regulations, except to the extent that they are inconsistent with the MRTMA or this Ordinance. The Establishment must hold a valid local Permit and Michigan Marijuana Establishment License for the type of Marijuana Establishment intended to be carried out on the Permitted Property. The Establishment must also hold both a valid state License under the MRTMA as well as a valid state License and local Permit for the corresponding type of Facility under the MMFLA. The Establishment operator, owner, Licensee or Permit Holder must have documentation available that demonstrates full compliance with all local and State sales tax requirements, including holding any Permits or Licenses, if applicable.
2. *Required Documentation.* Each Marijuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Marijuana Establishment shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Marijuana Secure Transporter when engaged in the lawful transport of Marijuana. No person under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.
3. *Security.* Applicants and Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
  - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
  - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and

- c. A locking vault permanently affixed to the Permitted Premises that shall store all Marijuana and cash remaining in the Establishment overnight, except for Marijuana actively grown in a Grower Establishment; and
  - d. All Marijuana in whatever form stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
  - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement upon request for inspection.
4. *Operating Hours.* Retail Establishment or Microbusiness Establishment shall only operate between the hours of 8:00 a.m. and 8:00 p.m. or on Sunday 1:00 p.m. and 5:00 p.m.
5. *Required Spacing.* No Marijuana Establishment shall be located within one thousand (1,000) feet from any educational institution or school, college or university, licensed day care, church, house of worship or other religious facility, or public park but not including motocross tracks or golf driving ranges, if such uses are in existence at the time the Establishment is issued an initial permit, with the minimum distance between uses measured horizontally between the nearest property lines.
6. *Co-location with Certain Commercial Medical Marijuana Facilities and Recreational Establishments.* Subject to underlying zoning restrictions, the following co-location is permitted:
  - a. A Grower Facility, Processor Facility, or Provisioning Center may operate from within a single facility also operating with a Marijuana Grower, Excess Marijuana Grower, Marijuana Processor, Marijuana Event Organizer, Temporary Marijuana Event, Marijuana Retailer, or Designated Consumption Establishment operating pursuant to the MRTMA and applicable rules promulgated by the Department.
  - b. A Marijuana Grower, Excess Marijuana Grower, Marijuana Processor, Marijuana Event Organizer, Temporary Marijuana Event, Marijuana Retailer, or Designated Consumption Establishment may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department.
  - c. Co-location of Establishment Permits is permitted under applicable rules and regulations of the Department.
7. *Amount of Marijuana.* The amount of Marijuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the state License or the Township's Permit.

8. *Sale of Marijuana.*

- a. The Marijuana offered for sale and distribution must be packaged and labeled in accordance with state law.
- b. The Establishment is prohibited from selling, soliciting or receiving orders for Marijuana or Marijuana Products over the internet, except as provided in subsection (c).
- c. A Marijuana Retailer or Marijuana Microbusiness may accept online orders for marijuana and marijuana products only for delivery to a designated consumption establishment or the physical home address of an individual 21 years of age or older, and in a manner consistent with all applicable state laws and rules, as amended. The individual making the home delivery shall be an employee of the Retailer or Microbusiness. Any Retailer or Microbusiness that performs home deliveries shall submit its home delivery procedure to the Township and shall provide the Township with proof the Department has authorized the home delivery procedure. All order and delivery methods, including procedures, records, tracking records, logs, and other documents, are subject to inspection and examination by the state and the Township. The Retailer or Microbusiness shall notify the Township of any theft or loss of marijuana product in connection with a home delivery.

9. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marijuana or Marijuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "Marijuana," "cannabis" and any other words used or intended to convey the presence or availability of Marijuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.

10. *Use of Marijuana or Other Substances.* Smoking or consumption of controlled substances on the Permitted Premises is prohibited. The sale, consumption, or use of alcohol or tobacco products on the Permitted Premises is prohibited, except as may be permitted by rules or regulations of the Department or this Ordinance. Smoking or consumption of marijuana is permitted only with a Designated Consumption Establishment Permit or Temporary Marijuana Event Permit and consistent with all state and local rules and regulations.

11. *Indoor Operation.* All activities of Marijuana Establishments, including without limitation, distribution, growth, cultivation, or the sale of Marijuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Establishment's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises.

12. *Distribution.* No person operating an Establishment shall provide or otherwise make available Marijuana to any person who is not legally authorized to receive Marijuana under state law.
13. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Licensed Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marijuana are located.
14. *Waste Disposal.* The Permit holder, owner and operator of the Establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
15. *Transportation.* Marijuana may be transported by a Marijuana Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
  - a. By Persons who are otherwise authorized by state law to transport Marijuana;
  - b. In a manner consistent with all applicable state laws and rules, as amended;
  - c. In a secure manner designed to prevent the loss of the Marijuana;
  - d. No vehicle used for the transportation or delivery of Marijuana under this Ordinance shall have for markings the words "Marijuana", cannabis" or any similar words; pictures or other renderings of the Marijuana plant; advertisements for Marijuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase, or symbol indicating or tending to indicate that the vehicle is transporting Marijuana.
  - e. No vehicle may be used for the ongoing or continuous storage of Marijuana, but may only be used incidental to, and in furtherance of, the transportation of Marijuana.
16. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marijuana Establishment special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

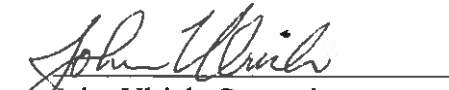
**SECTION 3. SEVERABILITY.** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

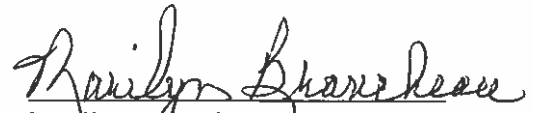
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take immediate effect after publication of a notice of adoption of this Ordinance in the local newspaper.

YEAS: Four (4)

NAYS: One (1)

ABSENT/ABSTAIN: None

  
John Ulrich, Supervisor

  
Marilyn Brancheau, Clerk



## CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Republic Township Board at a duly scheduled and noticed meeting of that Township Board held on April 23, 2020, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Mining Journal newspaper, a newspaper that circulates within Republic Township, on 5-7, 2020.
3. Within one (1) week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the Township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Marquette County Clerk on May 11, 2020.

ATTESTED:

  
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Marilyn Brancheau, Township Clerk

**REPUBLIC TOWNSHIP  
MARQUETTE COUNTY, MICHIGAN  
PROPOSED ORDINANCE NO. 2020-3**

**RECREATIONAL MARIJUANA ESTABLISHMENTS ORDINANCE No. 2019-9  
AMENDMENT**

On April 23, 2020, the Republic Township Board adopted Ordinance No. 2020-3, an Ordinance to amend the Republic Township's Recreational Marijuana Establishments Ordinance No. 2019-9, as amended, to clarify eligibility for application, the number of permits available, and required spacing.

The Ordinance contains the following sections and catch lines: Section 1. Amendment to Section 3, Permit Required; Number of Permits Available, Eligibility, General Provisions; Section 2. Amendment to Section 7, Operational Requirements-Marijuana Establishment; Section 3. Severability; and Section 4. Effective Date, which is immediately after publication of this notice of adoption of the Ordinance in the local newspaper.

A true copy of the proposed Ordinance is available for inspection from Marilyn Brancheau, Republic Township Clerk by calling the Township Clerk at (906) 376-8827 or email at [repclerk@northpines.net](mailto:repclerk@northpines.net).

Marilyn Brancheau, Clerk  
**REPUBLIC TOWNSHIP**  
(906) 376-8827

May 11, 2020