

RESOLUTION TO APPROVE – FINAL ADOPTION

**Text Amendment 2023-03
Medical Marijuana Licensing**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 11th day of July 2023, at 6:00 p.m., Local Time.

PRESENT: Supervisor Jackson; Clerk Guthrie; Treasurer Deschaine; Trustee Hendrickson,
Sundland, Wilson, Wisinski

ABSENT: None

The following resolution was offered by Treasurer Deschaine and supported by Clerk Guthrie.

WHEREAS, the Township’s code of ordinances currently allows medical marijuana facilities in the Township; and

WHEREAS, in the three years since the first applicants were approved, no medical marijuana facilities are open; and

WHEREAS, the Township Board directed Staff and the Township Attorney to update the ordinances to allow recreational marijuana; and

WHEREAS, there are several ordinance updates and changes that would make the medical marijuana permitting more efficient and more similar to the recreational marijuana processes; and

WHEREAS, at the June 20, 2023, the Township Board directed Staff to publish a notice of intent to adopt the ordinance and Staff published the notice as directed, prior to the July 11, 2023 Township Board meeting.

NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby ADOPTS Ordinance No. 2023-03, entitled “Ordinance amending the code of the Charter Township of Meridian, Ingham County to amend Chapter 40, Article II, Commercial Medical Marijuana Facilities.”; and

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it was adopted.

ADOPTED: YEAS: Supervisor Jackson; Clerk Guthrie; Treasurer Deschaine; Trustee
Hendrickson, Sundland, Wilson & Wisinski

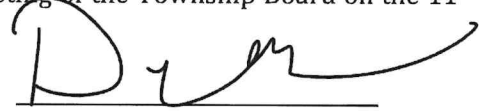
NAYS: None

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Township Board on the 11th day of July, 2023.



Deborah Guthrie
Township Clerk

**ORDINANCE AMENDING THE CODE OF THE CHARTER TOWNSHIP OF
MERIDIAN, INGHAM COUNTY TO AMEND CHAPTER 40, ARTICLE II
COMMERCIAL MEDICAL MARIHUANA FACILITIES**

ORDINANCE NO. 2023-03

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building on July 11th, 2023, at 6:00 p.m., Township Board Member Treasurer Deschaine moved to introduce the following Ordinance for a first reading prior to posting, publication, and subsequent final adoption, which motion was seconded by Township Board Member Clerk Guthrie :

An Ordinance to amend the Code of Ordinances for Commercial Medical Marihuana Facilities to revise application procedures and consideration standards, revise approval and issuance of permits, revise renewal dates, and make other amendments consistent with the authorization of Recreational Marihuana Establishments in order to maintain the public health, safety, and welfare of the residents and visitors to the Township.

THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:

SECTION 1. AMENDMENT TO ARTICLE II, SECTION 40-27. Chapter 40 of the Charter Township of Meridian Code of Ordinances, Section 40-27 entitled Definitions is amended to read as follows:

Section 40-27. Definitions. The words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in Section 40-2 except where context clearly indicates a different meaning.

SECTION 2. AMENDMENT TO ARTICLE II, SECTION 40-30. Chapter 40 of the Charter Township of Meridian Code of Ordinances Section 40-30 entitled Application for and renewal of permits is amended to read as follows:

Section 40-30. Application for and Renewal of Permits.

(a) Application. [UNCHANGED]

(b) Receipt of Applications

1. Applications shall be submitted to the Director of Community Planning and Development.
2. No Applications shall be accepted unless the Township Board has issued procedures and standards for the receipt and review of Applications as set forth in this Article.

3. The dates and times to accept Applications shall be determined by the Township Board, which shall be posted on the Township's website, if any. The Director shall only accept initial Applications as designated by the Township Board.
4. Applications shall be sorted and scored based on zoning overlay district, with only one Permit available per zoning overlay district.
5. If the Director of Community Planning and Development identifies or is informed of a deficiency in an Application, the Applicant shall correct the deficiency after notification by the Director of Community Planning and Development as provided in the procedures and standards.

(c) Timeframe for Application Evaluation.

1. All inspections, review, competitive review, and processing of the Application shall be completed within ninety (90) days of receipt of a complete Application and all required fees. The Township shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees. If the Application is approved, then the Applicant shall receive a conditional approval, the conditions of which must be met for the Applicant to receive a Permit as the Permit Holder, as set forth in this Ordinance.
2. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit.
3. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Article shall not begin to run until the Township receives a complete Application.

(d) Approval, Issuance, and Denial

1. Permit Approval. The Township Board shall make a determination based upon satisfactory compliance with this Article, Application requirements, and all other permits, certificates, rules or regulations and do one of the following:
 - i. Grant final approval to the Application and issue the Permit, with or without conditions. If the Application is approved, then the Permit shall be issued to the Applicant as the Permit Holder for a specific Permitted Premises.
 - ii. Deny the Application stating the reasons for such denial.
2. Denial. A decision of the Township Board to issue or deny a Permit pursuant to this Article, are subject to this Chapter's appeal process. After the appeal process has been exhausted, a Township Board decision may be appealed to a court of competent jurisdiction, provided that: (1) with respect to a denial of an initial Permit, an appeal

shall not grant any rights to an Applicant, subject to an order of the court; and (2) with respect to denial of a Renewal Application, if the Applicant has paid all required fees (and any additional fees due during the pendency of the appeal), the pre-existing Permit shall be extended during the pendency of the appeal, unless otherwise ordered by a court.

3. Commence Operation. The Applicant shall commence operation within 18 months of the Permit approval or the Permit approval shall be revoked. The Board may extend this timeframe for additional six month periods where the Applicant has commenced construction of the building and on other good cause shown to the Board.
4. Special Use Permit Required. All permit approvals under this Article are contingent upon the issuance of a Special Use Permit under the Township Zoning Ordinance.

(e) Evaluation of Multiple Applications

1. Competitive Review. If more Applications for new Facilities are received than there are available Permits (more than zero) under this Article, and the available Permit limits in this Article would prevent the Department from issuing a state license to all Applicants who meet the requirements of MCL 333.27959(3), then the Township will decide among the competing initial Applications with a competitive process established by the Township Board intended to select the Applicants who are best suited to operate in compliance with the Act, this Article, and within the Township.
2. Procedures and Standards. The Township Board is authorized to issue procedures and standards establishing the application and competitive process under this Article. The Township Board may establish or appoint a committee to assist review of applications. Each initial Application shall be considered, reviewed, and evaluated according to the procedures and standards. The review will evaluate the contents of the Application(s), other materials submitted by the Applicant, legal opinions or other reports drafted to help facilitate review, and any other material deemed relevant by the Director or Township to select the Applicant, if any, that will provide the best outcome for the community as determined by the Township.
3. Review at Public Hearing. After the Application window is closed, the Township shall hold a public hearing to review the Application(s) under the standards provided within this Article. To determine whether the Application(s) will be approved, the Township will apply the procedures and standards determined by the Township Board.
4. Appeal and Automatic Stay. An Applicant has the right to appeal the Township's competitive review of its Application, as set forth in this Chapter. In the event an initial Application that was subject to competitive review appeals the Township's decision, then the Township shall automatically stay all approvals issued to other Applicant(s) who participated in the same competitive review as the Applicant(s) appealing. When

an approval is stayed, the Applicant(s) granted approval may apply for zoning approval of a Marihuana Facility. This stay shall be lifted when the appealing Applicant(s) abandon or exhaust the appeal process.

5. Available Permits. Permits subject to appeal or renewal shall not be considered available for the purposes of this subsection.

(f) Renewal Application.

1. A completed Renewal Application must be received by the Township no later than November 1st of each year in order to grant or renew the conditional approval, lottery selection, or Permit.
2. The same requirements that apply to all new applications for a permit, except for special use permit requirements, shall apply to all renewal applications.
3. A renewal application may expressly incorporate by reference information or documentation contained in the original application or prior renewal application, making it clear where such information or documentation can be found, provided that the permit holder certifies that the information or documentation has not changed.
4. All material changes in any information submitted on an Application or Renewal Application shall be included with the Renewal Application.
5. Any final reports, inspections, investigations, or summaries from the Department, the Cannabis Regulatory Agency (“CRA”), the Bureau of Fire Services (“BFS”), or the Department of Licensing and Regulatory Affairs (“LARA”) arising from or in connection with the Permit shall be submitted with Renewal Application.

(g) Issuance of commercial medical marihuana facilities permit. [UNCHANGED]

(h) Applications for new permits where no building is as yet in existence. [UNCHANGED]

(i) Duty to supplement. [UNCHANGED]

(j) Permit forfeiture. [UNCHANGED]

SECTION 3. SEVERABILITY. The provisions of this Ordinance are hereby 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. SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. REPEAL. All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

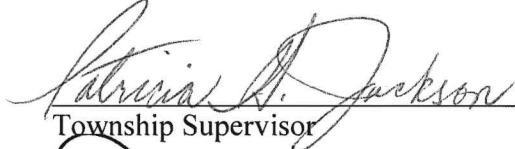
SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its publication after final adoption.

YAYS: Supervisor Jackson; Clerk Guthrie; Treasurer Deschaine; Trustee Hendrickson,
Sundland, Wilson, Wisinski

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.



Township Supervisor



Township Clerk