

CHARTER TOWNSHIP OF MONITOR  
SPECIAL TOWNSHIP BOARD MEETING  
MAY 26, 2020

The Supervisor called the meeting to order at 2:00 p.m.

Members present: Malkin, Kowalski, Pike, Kochany, Reder, Walsh  
Members absent: Brandt

The Pledge of Allegiance was recited by all present.

Public Input opened at 2:01 p.m. No public present wished to speak and public input was closed.

Motion by Reder supported by Kochany to adopt the agenda as presented.  
Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$38,637.78 from General Fund.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Kochany, Reder, Walsh

No: None

Absent: Brandt

Motion carried.

Second Reading & Adoption of Ordinance 66-A to Allow Recreational Marihuana Growing, Processing, Testing and Transporting Facilities in I Districts

Motion by Kowalski supported by Reder to have this meeting serve as Second Reading and Adoption of Ordinance 66-A, an Ordinance allowing recreational marihuana growing, processing, testing and transporting facilities in I Districts as follows:

**CHARTER TOWNSHIP OF MONITOR  
COUNTY OF BAY, STATE OF MICHIGAN  
ORDINANCE 66-A**

**REGULATION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE**

AN ORDINANCE TO PROVIDE A TITLE FOR THE ORDINANCE; TO DEFINE WORDS; TO REGULATE RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF CHARTER TOWNSHIP OF MONITOR PURSUANT TO INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ., AS MAY BE AMENDED; 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 CHARTER TOWNSHIP OF MONITOR BAY COUNTY, MICHIGAN ORDAINS:**

**SECTION I**  
**TITLE**

This ordinance shall be known as and may be cited as the Charter Township of Monitor Recreational Marihuana Establishments Ordinance.

**SECTION II**  
**DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

**SECTION III**  
**AUTHORIZED LICENSED RECREATIONAL MARIHUANA ESTABLISHMENTS**

1. The following recreational marihuana establishments, unless prohibited herein, may be authorized by resolution to operate within the Township by the holder of a state operating license, subject to compliance with Initiated Law 1 of 2018, MCL 333.27951, as may be amended, the Rules promulgated thereunder and this ordinance:
  - A. Marihuana grower to be located in Industrial zones limited to one location.
  - B. Marihuana processors to be located in an Industrial zone to be limited to one location.
  - C. Marihuana safety compliance establishments to be located in an Industrial or a Commercial zone at one location.
  - D. Marihuana secure transporters to be located in an Industrial or a Commercial zone at one location.
  - E. Marihuana retailers shall not be permitted in the Township.
  - F. Marihuana microbusiness shall not be permitted in the Township.
2. The Township shall accept applications for authorization to operate a marihuana establishment within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk. Once the Township Clerk receives a complete application including the initial annual recreational marihuana establishment fee, the application shall be submitted to the Township Board.
3. The Application shall include a \$5,000.00 non-refundable fee for each state license to reimburse the Township for administrative costs.
4. The application shall be required to comply with Section III(4) of Ordinance 65 except if the same information has been submitted in a prior application it can be incorporated by reference.
5. The Township may increase the number of authorized locations except for marihuana retailers and marihuana microbusinesses which are prohibited in the Township.
6. The Township shall decide among competing applications that specifically address the following criteria, an applicant who is best suited to operate within the Township:

Category	Points
A. Minimal net worth	1
Over one million dollars in net worth	10

Description: Proof of net worth and/or financing sufficient to execute the business & building plans with ten points if the net worth exceeds one million dollars.

- B. Marihuana business experience 1  
Business experience includes medical 10  
Description: Combined stakeholder experience in owning/operation a marihuana business with ten points if it includes medical marihuana experience.
- C. Tangible capital investment planned 1  
Tangible capital investment implemented 10  
Description: Total planned capital investment which directly benefits the Township with ten points if the capital has already been invested.
- D. Community investment plan 1  
Investment plan exceeds \$10,000 10  
Description: Commitment and plan to invest a specific dollar amount in the Township with ten points if it exceeds \$10,000.
- E. Employee benefits & pay 1  
Benefits & pay exceed county/state average 10  
Description: Pay & benefits provide employees with pay that exceeds the average per capital income based on the U.S. Census with ten points if it also includes health care benefits are provided.
- F. Number of jobs created 5  
Description: Number of jobs created exceeds 10 employees.
- G. Current marihuana operations license 1  
License includes medical marihuana 10  
Description: Applicant currently holds a license for a marihuana operation which can include an approved application by this Township with ten points if the license includes medical marihuana.
- H. Meet Planning Commission guidelines for submission 1  
Prior Planning Commission approval 10  
Description: Applicant submitted plans that meet minimal guidelines for submission to the Planning Commission with ten points if plans have been previously approved.
- I. Applied for medical marihuana approval 1  
Medical marihuana approval granted 10  
Description: A medical marihuana application has been submitted for approval to the Township with ten points if approval has been granted.

**SECTION IV**  
**GENERAL REGULATIONS REGARDING**  
**AUTHORIZED RECREATIONAL MARIHUANA ESTABLISHMENTS**

1. An authorized recreational marihuana establishment shall only be operated within the Township by the holder of a recreational state operating license that has been issued. The establishment shall only be operated as long as the state operating license remains in effect.
2. Prior to operating an authorized recreational marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township zoning ordinance regulations and pay all corresponding fees. The establishment shall only be operated as long as it remains in compliance with all Township zoning ordinance regulations including the Special Use Permit requirements applicable to Medical Marijuana.
3. Prior to operating an authorized recreational marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating recreational marihuana establishments, and generally applicable Township police power ordinances. The establishment shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
4. An authorized recreational marihuana establishment shall consent to inspection of the establishment by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
5. If at any time an authorized recreational marihuana establishment violates this ordinance the Township Board may immediately revoke or not renew the Township authorization.
6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized recreational marihuana establishment a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.
7. The Township expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized recreational marihuana establishments authorized to operate within the Township.

**SECTION V**  
**ANNUAL RECREATIONAL MARIHUANA ESTABLISHMENT FEE**

There is hereby established an annual nonrefundable Township recreational marihuana establishment fee in the amount of \$5,000, for each authorized recreational marihuana license within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual recreational marihuana license fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the recreational marihuana license. This annual fee may be amended from time to time by resolution of the Township Board.

**SECTION VI**  
**VIOLATIONS AND PENALTIES**

1. 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 deemed to be responsible for the violation of this ordinance. Each day during which any violation continues shall be deemed a separate offense.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 for subsequent offenses, in the discretion of the Court. For purposes of this section, “subsequent offenses” means a violation of the provisions of this ordinance committed by the same person or entity within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. 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. 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.

**SECTION VII**  
**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 such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing recreational marihuana establishments.

**SECTION VIII**  
**REPEAL**

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

**SECTION IX**  
**EFFECTIVE DATE**

This Ordinance shall be published in a newspaper circulated within the Township of Monitor, Bay County, Michigan, and shall be effective on the date of such publication.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Reder, Walsh

No: Kochany

Absent: Brandt

Motion carried.

Motion by Reder supported by Malkin to hold a special meeting on Friday, May 29, 2020 at 10:00 a.m. to consider the Viridis North recreational marihuana testing facility application.

Motion carried.

The meeting adjourned at 2:10 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor