CHARTER TOWNSHIP OF KALAMAZOO

ORDINANCE NO. 614

ADOPTED: JANUARY 27, 2020

EFFECTIVE: FEBRUARY 2, 2020

ADULT USE MARIJUANA ESTABLISHMENTS ORDINANCE

An ordinance to define, authorize and regulate certain adult use marijuana establishments in the Charter Township of Kalamazoo pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended; to provide for an annual fee; 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 KALAMAZOO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This ordinance shall be known as and may be cited as the Charter Township of Kalamazoo Adult Use Marijuana Establishments Ordinance.

SECTION II
PURPOSE

The purpose of the ordinance is to allow and regulate Adult Use (Recreational) Marijuana Establishments in the Township in order to protect the public health, safety and general welfare of the Township’s residents, to provide reasonable regulations regarding Township licensing of Adult Use Marijuana Establishments, to provide a method to defray administrative costs of such establishments and to coordinate Township regulations and license approval with laws and regulations enacted by the State of Michigan. It is not the intent of this Ordinance to restrict or abrogate the protections for adult use marijuana found in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended. For purpose of this Ordinance “adult use” means use by someone age 21 or older.
SECTION III
DEFINITIONS

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

SECTION IV
AUTHORIZED MARIJUANA ESTABLISHMENTS

1. The Charter Township of Kalamazoo authorizes an unlimited number of Adult Use (also referred to as “recreational”) marijuana growers; processors; retailers; transporters; excess growers; event organizers and testing facilities in the Township; recognizing that the Township Zoning Ordinance at Article 8, Section 8.02 has placed locational limitations on such Establishments which by their nature will necessarily limit the numbers due to availability of eligible parcels.
   a. The Charter Township of Kalamazoo authorizes zero adult use marijuana consumption establishments; zero adult use microbusinesses; and zero temporary marijuana events.

2. On and after February 1, 2020, the Township shall accept applications for authorization to operate an adult use marijuana establishment authorized by this Ordinance within the Township. The application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as the “Clerk.”). The initial annual adult use marijuana establishment fee and the application fee (if any) shall be submitted to the Clerk or designee. Upon consideration, if the establishment type is available, then the applicant shall receive conditional authorization to operate such adult use marijuana establishment within the Township.

3. Within thirty days from conditional authorization by the Township or from February 1, 2020, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the State of Michigan for a state operating license or has submitted a full application for such license.

4. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization shall be canceled by the Clerk.

5. A conditionally authorized applicant shall receive full authorization from the Township to operate the adult use marijuana establishment within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the adult use marijuana establishment in the Township and the applicant has met all other requirements of this ordinance for the operation including but not limited to any zoning approval for the location of the establishment within the Township.

6. If a conditionally authorized applicant fails to obtain full authorization from the
Township within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

SECTION V
GENERAL REGULATIONS REGARDING AUTHORIZED ADULT USE MARIJUANA ESTABLISHMENTS

1. A authorized adult use marijuana establishment shall only be operated within the Township by the holder of a state operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended, and the Administrative Rules promulgated thereunder. The establishment shall only be operated as long as the state operating license remains in effect.

2. Prior to operating an authorized adult use marijuana establishment within the Township pursuant to a state operating license, the establishment must comply with all applicable zoning regulations. The establishment shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.

3. Prior to operating an authorized adult use marijuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township construction, fire code and building ordinances, all other Township ordinances specifically regulating adult use marijuana 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 adult use marijuana 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 adult use marijuana establishment violates this ordinance the Township Board, acting through its police department or the Township Manager may request that the state revoke or refrain from renewing the establishment’s state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel 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 adult use marijuana 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 adult use marijuana establishments authorized to operate within the Township.

SECTION VI
ANNUAL ADULT USE MARIJUANA ESTABLISHMENT FEE

There is hereby established an annual nonrefundable Township adult use marijuana establishment fee in the amount of $5,000, for each authorized adult use marijuana establishment within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual adult use marijuana establishment 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 adult use marijuana establishment.

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 Marijuana Establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

SECTION VIII
REPEAL

Ordinance No. 609, Adult use Marijuana Opt-out Ordinance is repealed.

SECTION IX
EFFECTIVE DATE

This ordinance shall take effect the day after publication, after adoption.

Mark Miller, Clerk
Charter Township of Kalamazoo