

**CHARTER TOWNSHIP OF AUSABLE  
IOSCO COUNTY, MICHIGAN  
ORDINANCE NO. 122**

**AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF AUSABLE ZONING ORDINANCE**

THE CHARTER TOWNSHIP OF AUSABLE ORDAINS that the Charter Township of AuSable Zoning Ordinance (Ordinance No. 114), as amended, is further amended as follows:

I. Article 2 (“Definitions”) is amended to add the following definitions:

**Marihuana Establishments (Adult-Use Recreational Marihuana):**

**A. Marihuana or Marijuana:** That terms as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., or in the rules and regulations promulgated by the Michigan Marihuana Regulatory Agency or other applicable State of Michigan agencies.

**B. Marihuana Establishment:** That term as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., or in the rules and regulations promulgated by the Michigan Marihuana Regulatory Agency or other applicable State of Michigan agencies.

**C. Marihuana Grower:** A person licensed under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

**D. Marihuana Processor:** A person licensed under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

**E. Marihuana Retailer:** A person licensed under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**F. Marihuana Safety Compliance Facility:** A person licensed under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. to test marihuana, including certification for potency and the presence of contaminants.

**G. Marihuana Secure Transporter:** A person licensed under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

H. **Licensee:** A person holding a state operating license issued under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

I. **Person:** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

II. Article 4 (“District Regulations”), Section 4.11 (“Summary of Uses Permitted by Zoning District”), Subsection B (“Business Districts”), is amended to show that a **Marihuana Retailer is now included in the list of land uses permitted by special use approval in the C-1, C-2, and C-3 Charter Township of AuSable zoning districts.**

III. Article 7 (“Supplemental Regulations”), Section 7.35 (“Commercial Medical Marihuana Facilities”), is amended to change the title of Section 7.35 to **Commercial Medical Marihuana Facilities and Adult-Use Recreational Marihuana Establishments.**

IV. Article 7 (“Supplemental Regulations”), Section 7.35 (“Commercial Medical Marihuana Facilities and Adult-Use Recreational Marihuana Establishments”), is amended as follows:

- The first sentence of Subsection A. of Section 7.35 is amended to add the term **marihuana retailer** to the list of marihuana uses included in this sentence.

- Subsection A.2. of Section 7.35 is amended to now read as follows: **At the time of application for the special land use permit, the marihuana facility or marihuana establishment must be in the licensing process with 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.; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.**

- Subsection A.3. of Section 7.35 is amended to now read as follows: **At the time of application for a special land use permit, the marihuana facility or marihuana establishment must have the Township of AuSable permit concurrently in process with the special land use permit and site plan approval, and then must be at all times in compliance with the Charter Township of AuSable Zoning Ordinance and all other applicable ordinances.**

- Subsection A.4 of Section 7.35 is amended to now read as follows: **A marihuana facility and a marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a**

**home-based business, home occupation, or accessory use, nor may they include accessory uses, except as otherwise provided in this ordinance.**

- Subsection A.5 of Section 7.35 is amended to now read as follows: **Signage requirements for marihuana facilities and marihuana establishments, unless otherwise specified, are as provided in Section 3.25 (Signs) of the AuSable Charter Township Zoning Ordinance.**

- The title of Subsection C. of Section 7.35 (“Provisioning Centers”) is amended to change the title to **Provisioning Centers and Marihuana Retailers.**

- The term “provisioning centers” appearing in the first sentence of Subsection C. of Section 7.35 (“Provisioning Centers and Marihuana Retailers”) is amended to now read as follows: **provisioning centers and marihuana establishments.**

- The term “provisioning center” appearing in the first line of Subsection C.1 (“Hours”) of Section 7.35 (“Provisioning Centers and Marihuana Retailers”) is amended to now read as follows: **A provisioning center and a marihuana establishment.**

- The term “provisioning center” appearing in the second line of Subsection C.1 (“Hours”) of Section 7.35 (“Provisioning Centers and Marihuana Retailers”) is amended to now read as follows: **the provisioning center or the marihuana establishment.**

- The term “provisioning center” appearing in the first and second lines of Subsection C.2 (“Indoor Activities”) of Section 7.35 (“Provisioning Centers and Marihuana Retailers”) is amended to now read as follows: **a provisioning center and a marihuana establishment.**

- The term “provisioning center” appearing in the second line of Subsection C.3 (“Other Activities”) of Section 7.35 (“Provisioning Centers and Marihuana Retailers”) is amended to now read as follows: **the provisioning center or the marihuana establishment.**

- The term “provisioning center” appearing in the second line of Subsection C.5 (“Odor”) of Section 7.35 (“Provisioning Centers and Marihuana Retailers”) is amended to now read as follows: **a provisioning center or a marihuana establishment.**

V. Article 3 (“General Provisions”), Section 3.22 (“Nonconforming Uses, Structures & Lots”), Subsection F. (“Marihuana Facilities”), is amended to change the title of Subsection F. to **Marihuana Facilities and Marihuana Establishments.**

VI. Subsection F.1 of Section 3.22 (“Nonconforming Uses, Structures & Lots”) is amended to now read as follows: **No marihuana facilities and marihuana establishments operating or purporting to**

**operate prior to obtaining all required licenses and permits from the State of Michigan and the Township shall be deemed to have been a legally existing use, nor shall the operations of such marihuana facility or marihuana establishment be deemed a legal nonconforming use under the AuSable Charter Township Zoning Ordinance.**

VII. Subsection F.3 of Section 3.22 (“Nonconforming Uses, Structures & Lots”) is amended to now read as follows: **Discontinuation of a State of Michigan marihuana facility license or marihuana establishment license shall constitute prima facie evidence that a nonconformity has been discontinued.**

This ordinance shall take effect upon the expiration of seven days after its publication.

This ordinance or a lawful summary shall be published once in a newspaper of general circulation within the boundaries of the Charter Township of AuSable, and qualified under state law to publish legal notices, within fifteen (15) days after its adoption. The Township Clerk shall immediately record this ordinance in the Township Ordinance Book, and the Township Supervisor and the Township Clerk shall authenticate the record by their official signatures on the record.

**CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of AuSable Board of Trustees at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

I further certify that the following Board members were present at the meeting: \_\_\_\_\_, and that the following Board members were absent: \_\_\_\_\_.

I further certify that the Board member \_\_\_\_\_ moved for adoption of the ordinance, and the motion was supported by the Board member \_\_\_\_\_.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: \_\_\_\_\_, and the following Board members voted against the adoption of the ordinance: \_\_\_\_\_.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2020, by the Charter Township of AuSable Board of Trustees.

The Township Supervisor declared this ordinance adopted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kevin Beliveau  
Charter Township of AuSable Supervisor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Kelly Graham  
Charter Township of AuSable Clerk