

**TOWNSHIP OF SAUGATUCK  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO RENUMBER ZONING SECTION 40-746a OF THE CODE OF  
ORDINANCES, TOWNSHIP OF SAUGATUCK, MICHIGAN, TO 40-747, AND TO  
AMEND THAT SECTION TO CLARIFY THE BUFFERING REQUIREMENT BETWEEN  
MARIHUANA FACILITIES AND RESIDENTIAL DWELLINGS**

The Township of Saugatuck Ordains:

Section 1. Renumbering. The zoning ordinance section enacted by the Township Board on March 6, 2019, and administratively numbered 40-746a of Article VII of the Code of Ordinances, Township of Saugatuck, Michigan is hereby renumbered to be section 40-747.

Section 2. Amendment. Section 40-747 of the Code of Ordinances, Township of Saugatuck, Michigan is amended to read as follows:

**Sec. 40-747. Medical Marihuana Facilities and Recreational Marihuana Establishments.**

- (1) All terms defined in section 5.1 of the Township Code have the same meaning when used in this section.
- (2) Recreational marihuana establishments are prohibited in Saugatuck Township.
- (3) Certain medical marihuana facilities may be established in the zoning districts indicated in Section 40-1046, subject to regulations in the MMMFLA, the MMMFLA rules, and applicable Township ordinances.
- (4) No facility may operate without first obtaining final authorization from the township clerk pursuant to section 5.2 of the Township Code and obtaining site plan approval and/or a special approval use permit, as applicable.
- (5) Facility buildings shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- (6) Applicants must provide a plan for the storage and disposal of marihuana, so as to minimize the risk of theft.
- (7) No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin.
- (8) Signage for marihuana facilities is subject to approval pursuant to the generally applicable procedures and standards provided in this ordinance, with the additional restriction that facility signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
- (9) Co-location and stacked licenses are permitted when in accordance with the MMMFLA and MMMFLA rules.
- (10) Medical marihuana facilities must control and eliminate odor as follows:
  - (a) The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
  - (b) The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- (c) The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
  - (d) Negative air pressure must be maintained inside the building.
  - (e) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
  - (f) An alternative odor control system is permitted if the applicant submits report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- (11) For provisioning centers:
- (a) Provisioning centers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.
  - (b) Provisioning centers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
  - (c) The interior of the facility building must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the building.
- (12) For growers:
- (a) Grower facilities must be connected to public water and sanitary sewer systems and must comply with applicable state regulations regarding sewage discharge.
  - (b) Any lot used as a grower facility must be located at least 500 feet from any lot on which a residential dwelling exists (*i.e.*, has a valid certificate of occupancy) as of March 1, 2019. This 500-foot buffer shall be calculated by measuring a straight line from the closest point on the property line of each of the two lots.
- (13) Notwithstanding any other provision to the contrary, penalties for violations of this section shall be as follows:
- (a) If at any time an authorized facility violates this section, any condition imposed through a site plan approval, or any other applicable township ordinance, the township board may request that LARA revoke or refrain from renewing the facility's state operating license.
  - (b) It is unlawful to disobey, neglect, or refuse to comply with any provision of this section or any condition of a special use permit issued pursuant to this subsection. A violation is a municipal civil infraction and a nuisance per se. Each day the violation continues shall be a separate offense, subject to the following fines:
    - First violation = \$500
    - Second offense = \$2,500
    - Each subsequent offense = \$5,000
  - (c) The foregoing sanctions are in addition to the township's right to seek other appropriate and proper remedies, including actions in law or equity.

Section 3. Publication and Effective Date. The Township Clerk shall cause to be published a notice of adoption of this ordinance within 30 days of the date of its adoption. This ordinance shall take effect the day following its publication.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_\_ adopted at a regular meeting of the Township of Saugatuck Board held on \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, Township Supervisor

\_\_\_\_\_  
Abby Bigford, Township Clerk

PC Hearing: \_\_\_\_\_, 2019  
Adopted: \_\_\_\_\_, 2019  
Published: \_\_\_\_\_, 2019  
Effective: \_\_\_\_\_, 2019