

BURR OAK TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO. 2022-03

ADOPTED: April 4, 2022

EFFECTIVE: April 22, 2022

At a regular meeting of the Township Board for the Township of Burr Oak held at the Township Hall on April 4, 2022, the following ordinance was offered for adoption by Township Board member Perry; and was seconded by Township Board member: Gould; unanimous – Baker absent.

AN ORDINANCE TO AMEND ARTICLE 3 ENTITLED “DEFINITIONS”; SECTION 8.3 ENTITLED “SPECIAL EXCEPTION USES”; SECTION 9.3 ENTITLED “SPECIAL EXCEPTION USES”; TO ENACT SECTION 18.11 ENTITLED “MARIHUANA”; AND TO AMEND SECTION 27.3 ENTITLED “STANDARDS FOR SPECIAL EXCEPTION USE” OF THE ZONING ORDINANCE FOR BURR OAK TOWNSHIP.

THE TOWNSHIP OF BURR OAK (the “Township”) ORDAINS:

Section 1. Amendment of Article 3. Article 3 of the Zoning Ordinance for Burr Oak Township entitled “Definitions” is hereby amended as follows:

- The term “recreational marihuana establishment” is added in the correct alphabetical order and defined to mean a marihuana establishment as defined in and regulated under the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended. This term includes designated consumption establishments and temporary marihuana events.
- The term “medical marihuana facility” is added in the correct alphabetical order and defined to mean a marihuana facility as defined in and regulated under the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.
- The term “recreational marihuana grower” is added in the correct alphabetical order and defined to mean a marihuana grower as defined in and regulated under the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended. This term includes recreational excess marihuana growers.
- The term “recreational marihuana retailer” is added and defined to mean a marihuana retailer as defined and regulated under the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

[The remainder of Article 3 is unchanged].

Section 2. Amendment of Section 8.3. Article 8, Section 8.3 of the Zoning Ordinance for Burr Oak

Township entitled “Special Exception Uses” for the “C” Commercial District is hereby amended as follows:

- Paragraph L is added and reads in its entirety as follows:
“L. Recreational marihuana retailers”

The remainder of Section is unchanged.

Section 3. Amendment of Section 9.3. Article 9, Section 9.3 of the Zoning Ordinance for Burr Oak Township entitled “Special Exception Uses” for the “I” Industrial District is hereby amended as follows:

- Paragraph I is added and reads in its entirety as follows:

I. Recreational marihuana retailers.

- Paragraph J is added and reads in its entirety as follows:

J. Recreational marihuana growers. [The remainder of Section 9.3 is unchanged]

Section 4. Enaction of Section 18.11. Article 18, Section 18.11 of the Zoning Ordinance for Burr Oak Township entitled “Marihuana” is hereby enacted and reads in its entirety as follows:

Section 18.11 – Marihuana

- A. Recreational marihuana establishments are prohibited unless specifically authorized by and operated in compliance with this Zoning Ordinance.
- B. Medical marihuana facilities are prohibited.

Section 5. Amendment of Section 27.3. Article 27, Section 27.3 of the Zoning Ordinance for Burr Oak Township entitled “Standards for Special Exception Use” is hereby amended as follows:

- Paragraph C is added and reads in its entirety as follows:
 - C. In considering applications for special exception use permits regarding recreational marihuana retailers, the following shall be considered in addition to the general standards set forth in part A:
 - 1. Unless the following requirements are met or waived upon a showing of good cause, no special use permit for a recreational marihuana retailer shall be awarded:
 - a. All recreational marihuana retailer establishments must be equipped with an

activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana retailer establishment outside of the recreational marihuana retailer establishment.

- b. Negative air pressure must be maintained inside the recreational marihuana retailer establishment.
- c. The lot where a recreational marihuana retailer establishment is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.
- d. Walk-up windows, or drive-thru service, and drive-in service are prohibited.

- Paragraph D is added and reads in its entirety as follows:

D. In considering applications for special exception use permits regarding recreational marihuana growers, the following shall be considered in addition to the general standards set forth in part A:

- 1. Unless the following requirements are met or waived upon a showing of good cause, no special use permit for a recreational marihuana grower shall be awarded:
 - a. All marihuana cultivation must take place inside of a fully enclosed permanent building.
 - b. All marihuana grower establishments must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the marihuana grower establishment outside of the marihuana grower establishment.
 - c. Negative air pressure must be maintained inside the marihuana grower establishment.
 - d. No light used for the cultivation of marihuana may be visible from outside the building in which the cultivation takes place.
 - e. The lot where a marihuana grower establishment is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance from parcel line to parcel line.

[The remainder of Section 27.3 is unchanged.]

Section 6. Conflict.

- A. Nothing in this Ordinance is to be construed to conflict with existing Township ordinances except as otherwise stated herein.
- B. Nothing in this Ordinance is to be construed to conflict with the law of the State of Michigan.

Section 7. Repealer. All zoning ordinances or parts of zoning ordinances in conflict with this Ordinance are, to the extent of any such conflict, hereby repealed.

Section 8. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable other part or portion of this Ordinance.

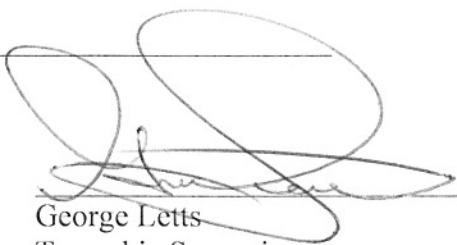
Section 9. Effective Date. This Ordinance is effective upon the expiration 7 days following its publication in the manner required by law.


YEAS: 4

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.


George Letts
Township Supervisor


Jackie Wells
Township Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Township Board for the Township of Burr Oak, St. Joseph County, Michigan, at a meeting of the Township Board duly called and held on April 4, 2022.

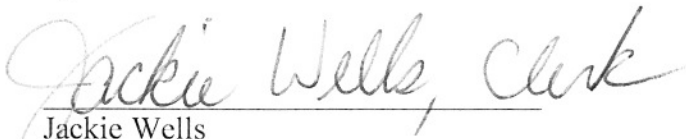
Public Hearing: January 24, 2022

Adopted: April 4, 2022

Published:

Effective:

By:


Jackie Wells
Township Clerk

CLERK'S CERTIFICATE

I, Jackie Wells, Township Clerk of the Township of Burr Oak, St. Joseph County, Michigan, certify that at a regular meeting of the Burr Oak Township Board held on the 4th day of April, 2022, at the Township Hall, located at 208 Front Street, Burr Oak, Michigan, upon motion by Mike Perry and support from Mary Gould, the Board enacted and passed Ordinance No. 2022-03, hereinbefore recorded, to become effective on April 22, 2022, that the members of the Board present at said meeting voted on the adoption of said Ordinance No. 2022-03, as follows:


George Letts - aye
Mary Gould - aye

Mike Perry - aye
Jackie Wells - aye

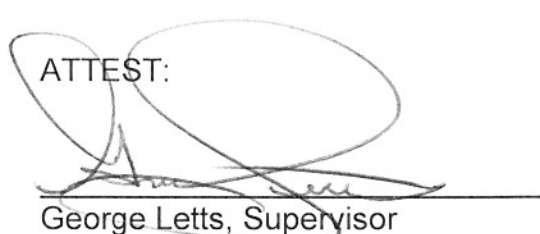
Rich Baker - absent

I do further certify that in accordance with Township Board direction, the Notice of Ordinance Adoption was published in the Sturgis Journal, a newspaper printed in St. Joseph County, Michigan, and circulated in Sturgis Township on the 14th day of April, 2022; including where the same could be examined or purchased and that said Ordinance No. 2022-03 was recorded in this Ordinance Book on the 12th day of April, 2022.

Dated: 4-12-20, 2022


Jackie Wells, Clerk

ATTEST:


George Letts, Supervisor