

ORDINANCE NO. 2021 - 01

**The County of Gladwin ordains:**

**The County of Gladwin amends Chapter 2, Section 2.2 and Chapter 3 of the Code of the County of Gladwin.**

Chapter 2, Section 2.2 is amended as follows:

The following definitions are amended, or added:

**ADULT USE MARIJUANA GROWING FACILITY:** A facility licensed under the Michigan Regulation and Taxation of Marijuana Act to grow Marijuana.

**ADULT USE MARIJUANA PROCESSING FACILITY:** A facility licensed under the Michigan Regulation and Taxation of Marijuana Act to process Marijuana.

**ADULT USE MARIJUANA RETAIL FACILITY:** A facility licensed under the Michigan Regulation and Taxation of Marijuana Act to sell Marijuana at retail.

**ADULT USE MARIJUANA TESTING FACILITY:** A facility licensed under the Michigan Regulation and Taxation of Marijuana Act to test Marijuana.

**ADULT USE MARIJUANA TRANSPORTATION FACILITY:** A facility licensed under the Michigan Regulation and Taxation of Marijuana Act to transport Marijuana.

**MARIHUANA or MARIJUANA, ADULT USE:** Means that the term as defined in the Public Health Code, MCL 333.1101, et seq, Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq, the and the Marihuana Tracking Act, MCL 333.27901, et seq. For the purpose of this Ordinance, the spellings are interchangeable.

**MARIHUANA or MARIJUANA, MEDICAL or MEDICAL USE:** Means that the term as defined in the Public Health Code, MCL 333.1101, et seq, the Medical Marihuana Act, MCL 333.26421, et seq, the Medical Marihuana Facilities Act, MCL 333.27101, et seq, and the Marihuana Tracking Act, MCL 333.27901, et seq. For the purpose of this Ordinance, the spellings are interchangeable.

**MARIHUANA PLANT:** Means any plant of the species Cannabis Sativa L.

**MARIHUANA-INFUSED PRODUCT:** Means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana inhalation.

**MEDICAL USE OF MARIJUANA:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008, Initiated law, MCL 333.26423(d).

**MEDICAL MARIJUANA CLUB:** A place at which more than two (2) patients grow or make available medical marijuana for their individual use. **MEDICAL**

**MEDICAL MARIJUANA DISTRIBUTION FACILITY:** A place where medical marijuana growers, processors, or caregivers store and/or distribute medical marijuana to medical marijuana patients, with no growing or cultivation of medical marijuana.

**MEDICAL MARIJUANA GROWING FACILITY:** ~~A place where more than a total of two (2) medical marijuana patients or caregivers grow, possess or store medical marijuana.~~ A facility licensed under the Medical Marijuana Facilities Licensing Act to grow Marijuana.

**MEDICAL MARIJUANA PROCESSING FACILITY:** A facility licensed under the Medical Marijuana Facilities Licensing Act to process Marijuana.

**MEDICAL MARIJUANA RETAIL FACILITY:** A facility licensed under the Medical Marijuana Facilities Licensing Act to sell Medical Marijuana at retail.

**MEDICAL MARIJUANA TESTING FACILITY:** A facility licensed under the Medical Marijuana Facilities Licensing Act to test Marijuana.

**MEDICAL MARIJUANA TRANSPORTATION FACILITY:** A facility licensed under the Medical Marijuana Facilities Licensing Act to transport Marijuana.

Chapter 3 is amended by adding Section 3.6 as set forth below:

Section 3.6

In addition to the uses specified in Section 3.5 and its attached tables, ADULT USE MARIJUANA LICENSED BUSINESSES, being ADULT USE MARIJUANA GROWING FACILITY, ADULT USE MARIJUANA PROCESSING FACILITY, ADULT USE MARIJUANA TESTING FACILITY, ADULT USE MARIJUANA

TRANSPORTATION FACILITY, ADULT USE MARIJUANA RETAIL FACILITY are permitted in any Overlay District provided:

- a. It is the intent of this provision to maximize local control and decision-making with respect to whether and where businesses licensed for ADULT USE MARIJUANA, as defined in this ordinance, are located.
- b. It is the intent of this provision to honor and give effect to, the decisions of Townships, or Villages, within the County of Gladwin as to whether and where businesses licensed for ADULT USE MARIJUANA, as defined in this ordinance, are located.
- c. To the extent that a Township, or Village located within the County of Gladwin, adopts an Ordinance permitting businesses licensed for ADULT USE MARIJUANA to locate within the boundaries of its jurisdiction, ADULT USE MARIJUANA shall be a permitted use, but only to the extent permitted within the Township or Village ordinance.
- d. An ordinance, referenced in paragraph (c) above shall specify the number of licensing facilities to be permitted within the jurisdiction by type, and class.
- e. An ordinance, referenced in paragraph (c) above shall specify the boundaries of within which businesses licensed for ADULT USE MARIJUANA, and permitted by the ordinance by type and class (as set forth in paragraph (d) above may be located.
- f. The map or locations within which businesses licensed for ADULT USE MARIJUANA, shall be deemed an Overlay District, and shall be given full faith and credit by the County of Gladwin, as though adopted as an amendment to the Official Zoning Map of the County.
- g. No business licensed for ADULT USE MARIJUANA shall be deemed a permitted use unless the Township or Village adopts an ordinance permitting the specific use and designates the Overlay District within which the licensed business may locate.
- h. Apart from the location, number, and type of business licensed for ADULT USE MARIJUANA, all other regulations of this ordinance will apply as written, for the zoning district: lot size, set back, parking requirements, all spatial, distance, and building requirements shall apply as set forth elsewhere in this ordinance.
- i. A Township or Village shall provide a true copy of its duly adopted ordinance to the County Clerk, and the Gladwin County Board of Commissioners upon adoption.

Passed by the County Board of Commissioners of the County of Gladwin on 7/13/21, at its regular meeting with 5 commissioners in attendance,

5 voting aye, 0 nay. Adopted by the County Board of Commissioners of the County of Gladwin this 13 day of July, 2021.  
Signed: None, Chair.

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I hereby certify that the foregoing was duly adopted by the COUNTY BOARD OF COMMISSIONERS of the COUNTY OF GLADWIN, Michigan, at its regular meeting on the 13 of July, 2021, that of 5 members of the County Board of Commissioners, 5 were in attendance and 5 voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the COUNTY OF GLADWIN.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

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