

**PARMA TOWNSHIP  
JACKSON COUNTY, MICHIGAN  
ORDINANCE AMENDING  
COMMERCIAL MEDICAL MARIHUANA FACILITIES  
ORDINANCE NO. 2017-9B**

At a regular meeting of the Township Board of Parma Township, Jackson County, Michigan, held at the Parma Township Hall on Oct 7, 2019, at 7:00 p.m., Township Board Member Chamberlain moved to adopt the following Ordinance, which motion was seconded by Township Board Member Dermeyer:

*An Ordinance to amend Parma Township's "Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities" to regulate Commercial Medical Marihuana Facilities by requiring a Permit and compliance with requirements as provided in this Ordinance, and provide penalties and consequences for violation in order to maintain the public health, safety and welfare of the residents and visitors to the Township.*

THE TOWNSHIP OF PARMA ORDAINS:

**SECTION 1: AMENDMENT TO SECTION 2 OF ORDINANCE 2017-9:** Section 2 of the Township's "Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities" also known as Ordinance 2017-9, is hereby amended to read as follows:

**Section 2. Permit Required; Number of Permits Available; Eligibility; General Provisions.**

1. The Township hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities, subject to the number of available Permits issued in this Section:
  - a. Growers, Class C
  - b. Processors
  - c. Secure Transporters
  - d. Provisioning Centers
2. The number of Commercial Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the Township:
  - a. Grower Permits, Class C: 2
  - b. Processor Permits: 1
  - c. Secure Transporter Permits: 1

- d. Provisioning Center Permits: 2
3. It shall be unlawful for any person to engage in, or be issued a Permit for, the operation of the following Commercial Medical Marihuana Facilities:
  - a. Growers, Class A
  - b. Growers, Class B
  - c. Safety Compliance Facility
4. No person shall operate a Commercial Medical Marihuana Facility at any time or any location within the Township unless a currently-effective Permit for that person at that location has been issued under this Ordinance.
5. Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of Application, each Applicant shall pay an annual Application fee for a Permit to the Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Commercial Medical Marihuana Facilities. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. All fees paid by an Applicant are nonrefundable, regardless of whether an Applicant receives a Permit. If the Township grants a Permit for a period less than one (1) year, the Township shall pro-rate the annual fee in such a way that an Applicant only pays the portion of that fee corresponding to the number of months the Permit is valid, with partial months being treated as a full month for purposes of this calculation.
8. A Permit and a renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid only until the June 1 immediately following its approval. A completed Application or Renewal Application must be received by the Township Clerk no later than March 31 of each year in order to grant or renew a Permit effective on June 1 of that year.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit or Permit Holder, whether through a single transaction or the combined sum of multiple transactions, is permitted unless the transferee has submitted an appropriate Application and all required fees under this Ordinance.

11. It is the sole and exclusive responsibility of each Applicant, Permit Holder, owner, partner, director, officer, or manager at all times during the Application period and during its operation to immediately provide the Township with all material changes to any of the information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.
12. The Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random and unannounced examinations of the Facility and all articles of property in that Facility at any time to ensure compliance with this Ordinance, any other local regulations, state or federal law, and with the Permit.
14. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.
15. No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility in a residence or in any area of the Township where the predominant land uses within ¼ mile of the proposed Commercial Medical Marihuana Facility are residential.

**SECTION 2: AMENDMENT TO SECTION 3 OF ORDINANCE 2017-9:** Section 3 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows:

**Section 3. Other Laws and Ordinances.** In addition to the terms of this Ordinance, any Marihuana Facility shall comply with all applicable federal, state and local ordinances, laws, codes and regulations, including without limitation the Township Zoning Ordinance and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.

**SECTION 3: AMENDMENT TO SECTION 4 OF ORDINANCE 2017-9:** Section 4 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows:

**Section 4. Application for, Transfer of, and Renewal of Permits.**

1. **Application.** An Application for a Permit for a Facility shall be submitted to the Clerk, and shall contain the following information:
  - a. The name, address, phone number and e-mail address of the Applicant and the proposed Commercial Medical Marihuana Facility;

- b. The names, home addresses and personal phone numbers for all owners, partners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
- c. Six (6) hard copies and one electronic copy in PDF format of all the following:
  - 1) Proof of a Valid Insurance Policy in the form demonstrating the coverage required by this Ordinance that will be obtained by the Applicant, if the Application is approved and a Permit is issued.
  - 2) All documentation showing the Applicant's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
  - 3) If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, a copy of all company formation documents (including amendments, bylaws, operating agreements, etc.), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the Applicant, proof of registration with the State of Michigan, and a certificate of good standing.
  - 4) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
  - 5) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
  - 6) Application for Sign Permit, if any sign is proposed.
  - 7) Non-refundable Application fee.
  - 8) Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
    - i. A description of the type of Facility proposed and the anticipated or actual number of employees.
    - ii. A security plan meeting the requirements of this Ordinance, which shall include a general description of the security systems(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
    - iii. A description by category of all products to be sold.

- iv. All Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
  - v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
  - vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- 9) Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
  - 10) Identify any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
  - 11) Whether any Applicant, owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled by any owner, partner, director, officer, or manager of the Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
  - 12) A complete list of all marihuana Permits and Licenses held by the Applicant, or any owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled in whole or part by any owner, partner, director, officer, or manager of the Applicant whether Commercial Medical Marihuana Facilities or Marihuana Establishments, including complete copies of the issued Permits and Licenses.
  - 13) Information regarding any other Commercial Medical Marihuana Facility, Marihuana Establishment, similar Permit or License, or any other marihuana business or venture that the Applicant, or any owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled in whole or part by any owner, partner, director, officer, or manager of the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each.
- d. Any documentation or information requested by the Township or the Review Board relevant to any review factors listed in this Ordinance that the Township would consider when evaluating the Application.
  - e. Applicant, its owners, managers, members, directors, and all related Persons acknowledge and consent to a background check and investigation by the Township

as a condition of the Township processing and reviewing the application for approval or denial of a permit, including providing their Social Security numbers or other personally identifying information to the Township or their agents for a background check or any other purpose permitted under this Ordinance. Such information is confidential to the extent permitted by the Michigan Freedom of Information Act and shall not be disclosed except as permitted or required under this Ordinance.

- f. Any other information reasonably requested by the Township deemed to be relevant to the processing or consideration of the Application.
  - g. A Renewal Application or Co-location Application may expressly incorporate by reference information or documentation contained in the original Permit Application or prior Permit Renewal Application, making it clear where such information or documentation can be found, provided that the information or documentation has not changed.
  - h. Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.
2. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all renewal Applications. Renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The Township will not accept renewal Applications after the expiration date of the Permit.
3. **Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application shall be completed within ninety (90) days of receipt of a complete Application and all required fees. The Township Board shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. If, in any particular year there are Available Permits and more Applications are received than there are Available Permits, completed Applications shall be evaluated by the Township Board according to the standards of this

Ordinance with Permits awarded to the most qualified Applicants as determined by the discretion of the Township Board after consideration of those factors.

**4. Preliminary Review of Evaluation Factors by the Review Board.**

- a. After receiving an Application, including any transfer Application, the Township Clerk shall forward that Application, along with any accompanying attachments or exhibits, to the Review Board for an initial review. The Review Board shall review all Applications according to the standards of this Ordinance, consistent with that Board's duties as described in the Township's Commercial Medical Marihuana Review Board Ordinance.
- b. In reviewing an Application requesting issuance of an Available Permit, the Review Board may consider and/or weigh the following factors:

**1) Compliance Factors**

- 1. The thoroughness of the Application, including compliance with all requirements established in this Ordinance, or any other regulation established by the Township.
- 2. Whether the Applicant has a history of non-compliance with the Township's ordinances or with other local, state, or federal laws.
- 3. Whether the Applicant has previously failed to pay taxes, special assessments, or other payments due to the Township.

**2) Community Factors**

- 1. Input from residents and surrounding business owners regarding the proposed Facility.
- 2. Whether the proposed Facility will negatively impact the character, aesthetics, safety, or welfare of surrounding businesses and neighborhoods.
- 3. The geographic location of the proposed Facility, including its proximity to densely populated areas or to other proposed or approved Facilities.
- 4. The suitability of the architectural and engineering design of the proposed Facility.
- 5. The increased policing requirements associated with the approval of the proposed Facility, including the costs of any such requirements.

6. Whether the Applicant has appropriately identified potential environmental issues, including steps to prevent or mitigate those issues.
7. Whether the Applicant and any of its stakeholders (if applicable) are persons of good character, honesty, and integrity, and who do not discredit or tend to discredit the public trust or otherwise pose a threat to the public health, safety, or welfare.

### 3) **Business Factors**

1. The ability of the Applicant to maintain effective control against diversion of Marijuana and Marijuana products.
  2. The capital available to the Applicant for compliance with the requirements of this Ordinance, including the need to install additional equipment, hire additional employees, or otherwise expend monies as unanticipated issues arise in connection with the proposed Facility.
  3. The Applicant's general business history, including any history with a pharmaceutical or retail sales environment, or, in the case of an application for a Grower's Permit, experience with horticultural or agriculture.
  4. The Applicant's demonstrated preparedness to provide appropriate employee working conditions, benefits, and specialized training.
  5. The Applicant's experience in the Medical Marijuana industry, including whether the Applicant has any experience in the growth, manufacturing, or transportation of Medical Marijuana or Medical Marijuana products.
  6. The Applicant's experience using inventory tracking systems, including seed to sale systems, as well as any recordkeeping experience.
  7. Other experience, training, or certification, possessed or undertaken by the Applicant that may be relevant to the operation of the proposed Facility.
- 4) Any other factor(s) that may affect the health, safety, and welfare or the best interests of the Township.
- c. After completing an initial review, the Review Board shall provide the Township Board with a written recommendation as to whether an Application should be approved, rejected, or approved with conditions.



- d. The Township Board shall then evaluate the Review Board's recommendation, and shall either approve the recommendation, reject the recommendation, or approve the recommendation with conditions. The determination of the Township Board as to each application shall be final.
5. **Applications for new Permits where no building is as yet in existence.** Any Applicant for a new Commercial Medical Marijuana Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.
  6. **Transfer to a new Person or Permit Holder.** Any unauthorized transfer or attempted transfer of a Permit or ownership interest in a Permit Holder constitutes a violation of this Ordinance. No Permit issued under this Ordinance may be transferred to any Person, except as follows:
    - a. A Permit may only be transferred to any Person, also referred to as a transferee, if the Township determines that the proposed transferee meets all of the requirements of the Township Ordinance.
    - b. The Permit Holder and transferee shall provide written notice of the proposed transfer to the Township Board and the Review Board as well as a certified copy of the meeting minutes of the board of directors or members authorizing the transfer, sale, or conveyance of the Permit or, if the Permit Holder is a natural person, a notarized statement or other proof satisfactory to the Township authorizing the transfer.
    - c. The same requirements that apply to all new Applications for a Permit apply to all Applications to transfer, sell, or otherwise convey an existing Permit to a new legal entity or individual(s) and also apply to all change in control transfer Applications provided to the Clerk prior to any sale or transfer of stock or membership interest. Only after the transferee has applied for and obtained approval for the transfer, including without limitation the payment of the same fees for the transferred Permit as applies for a new Permit, may the Permit be transferred.
    - d. Written notice requesting a transfer to a transferee shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit subject to transfer. The process for review and approval will be the same for reviewing Applications and issuing Permits under this Ordinance. If the request for transfer is denied and the Permit has expired, the Township must receive a renewal Application from the Permit Holder within thirty (30) days of the Township mailing notice to the Permitted Premises of the denial of the transfer. If a renewal Application is timely submitted with all required fees, the pre-existing Permit shall be extended until the Township Board takes action approving or denying the renewal Application.
    - e. The following actions constitute transfer of ownership and require a transfer application, application fee, and Township Board approval:

- 1) *Persons*. Any transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.
  - 2) *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
  - 3) *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in managing members or change in the interest held by any managing members(s) of any limited liability company holding a Permit constitutes a transfer of ownership.
  - 4) *Partnerships*. Any transfer of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
  - 5) *Assets*. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.
- f. Notwithstanding any of the above, a Permit which is held by a corporation, company, or partnership may, during the ordinary renewal process, add or remove partners or shareholders in that business. Such an addition or removal will not render the Permit in question an Available Permit, but will remain subject to all review and approvals otherwise required by this Ordinance. The addition or removal of a shareholder or partner outside of the renewal process shall be subject to the requirements of transfer applications under this Ordinance.

## **7. Duty to Supplement.**

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
- b. An Applicant or Permit Holder has a duty to notify the Review Board in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, officer, director, manager, or employee within ten (10) days of the event.
- c. An Applicant or Permit Holder has a duty to notify the Review Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana, the MMMA, the MMFLA, any building, fire, health or zoning

statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of Marihuana by the Applicant, any owner, officer, director, manager, or employee within (10) ten days of the event.

**SECTION 4: AMENDMENT TO SECTION 5 OF ORDINANCE 2017-9:** Section 5 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows:

**Section 5. Operational Requirements – Commercial Medical Marihuana Facilities.** A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Commercial Medical Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the MMFLA or this Ordinance. The Facility must hold a valid local Permit and License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
2. *Required Documentation.* Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
3. *Security.* Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
  - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
  - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
  - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight, except for Marihuana actively grown in a Grower Facility;
  - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and

- e. All security recordings and documentation shall be preserved for at least 48 hours by the Permit Holder and made available to any law enforcement agency upon request for inspection.
  - f. In addition, a Secure Transport Facility shall also include the following security measures:
    - 1) The perimeter of the Permitted Premises shall be fenced;
    - 2) The Permitted Premises shall have exterior lighting, which shall be installed and shielded so as to not light any adjacent property;
    - 3) The Permitted Premises shall require access by using card readers for all entrances and exits; and
    - 4) Live security personnel shall be on the Permitted Premises 24 hours a day, 7 days a week.
4. *Required Spacing.* No Commercial Medical Marihuana Facility shall be located within one-thousand (1,000) feet from any educational institution or school, college or university, church, house of worship or other religious facility, public or private park, or other place of public assembly, if such uses are in existence at the time the Facility is established, with the minimum distance between uses measured horizontally between the nearest property lines.
5. *Required Road Frontage.* No Commercial Medical Marihuana Facility shall be located on any other road, street, or thoroughfare other than a Class A All-Season Road as designated by the Jackson County Road Commission.
6. *Co-location with Certain Commercial Medical Marihuana Facilities and Recreational Establishments.* Subject to underlying zoning restrictions, the following co-location is permitted:
- a. A Grower Facility, Processor Facility, or Provisioning Center may operate from within a single facility also operating with a Marihuana Grower, Marihuana Processor, or Marihuana Retailer operating pursuant to the MRTMA and applicable rules promulgated by the Department.
  - b. A Grower, Processor, or Provisioning Center may operate from within a single facility operating pursuant to the MMFLA and applicable rules promulgated by the Department.
  - c. Co-location of Facility Permits is permitted under applicable rules and regulations of the Department.
7. *Stacked License.* An Applicant for a Grower facility may apply to stack another Grower Permit at the Facility or Permitted Premises. The applicant shall be subject to the same requirements as a renewal permit application, including payment of a separate application

fee for each stacked permit. Permits or Licenses may only be stacked consistent with state law and the rules and regulations promulgated by the Department.

8. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the License or the Permit.
9. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
10. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words “Marihuana,” “cannabis” and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
11. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited.
12. *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder’s License or Permit must occur indoors. The Facility’s operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Permitted Premises.
13. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
14. *Distribution.* No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
15. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
16. *Waste Disposal.* The Permit Holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
17. *Transportation.* Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:

- a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
- b. In a manner consistent with all applicable state laws and rules, as amended;
- c. In a secure manner designed to prevent the loss of the Marihuana;
- d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words “Marihuana”, “cannabis” or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
- f. All vehicles, when not in use, must be stored inside the Permitted Premise.

18. *Required Insurance.* The Permit Holder shall obtain a Valid Insurance Policy consistent with this Ordinance and its Application prior to commencement of construction or operation at the Permitted Premises. The Permit Holder shall maintain the Valid Insurance Policy during operation of the Commercial Medical Marihuana Facility at the Permitted Premises consistent with this Ordinance.

19. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

**SECTION 5: AMENDMENT TO SECTION 8 OF ORDINANCE 2017-9:** Section 8 of the Township’s “Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities” also known as Ordinance 2017-9, is hereby amended to read as follows

**Section 8. Penalties and Consequences for Violation.** In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

- 1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500.00, or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.
- 2. Violations of the provisions of this Ordinance or failure to comply with any of the

requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

3. A Permit issued under this Ordinance may be denied, limited, revoked, or restricted under any of the following conditions:
  - a. Any fraudulent, false, misleading, or material misrepresentation contained in the Application.
  - b. Repeat violations of any requirements of this Ordinance or other applicable law, rule, or regulation. As used in this subsection, the term “repeat offense” means a second (or any subsequent) misdemeanor violation or civil infraction of the same requirement or provision committed within any six-month period and upon conviction or responsibility thereof.
  - c. A valid License is not maintained as required by this Ordinance.
  - d. The Permit Holder, its agent, manager, or employee failed to timely submit any document or failed to timely make any material disclosure as required by this Ordinance.
4. If a Permit is revoked or limited under this Ordinance, the Township or its designee shall issue a notice stating the revocation, limitation, or restriction including the reason for the action and providing a date and time for an evidentiary hearing before the Township Board.
5. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
6. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

**SECTION 6. SEVERABILITY.** The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**SECTION 7. SAVINGS CLAUSE.** This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

**SECTION 8. REPEAL.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days following this publication.

YEAS: Chamberlain, Dermeyer, Engelke, Mohney, Spangler

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain  
Wendy Chamberlain, Township Supervisor