

ORDINANCE NO. _____

**ORDINANCE AMENDING THE CODE OF THE CHARTER TOWNSHIP OF MERIDIAN,
INGHAM COUNTY, MICHIGAN BY ADDING CHAPTER 40 COMMERCIAL MEDICAL
MARIHUANA FACILITIES**

THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:

Section 1. Amendment to the Code of Ordinances by adding Chapter 40. The code of the Charter Township of Meridian, Ingham County, Michigan, is hereby amended to add Chapter 40 entitled Commercial Medical Marihuana Facilities to read as follows:

**Chapter 40
COMMERCIAL MEDICAL MARIHUANA FACILITIES**

**ARTICLE I
In General**

Section 40-1. through 40-25. (Reserved)

**ARTICLE II
Commercial Medical Marihuana Facilities**

Section 40-26. Title.

This Chapter shall be known and cited as the "Commercial Medical Marihuana Facilities Ordinance of the Charter Township of Meridian."

Section 40-27. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

APPLICATION means an Application for a Permit under this Chapter and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be the proposed Permit Holder, who may also be referred to as the Applicant.

DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT means the Charter Township of Meridian Director of Community Planning and Development or his/her designee.

COMMERCIAL MEDICAL MARIHUANA FACILITY or FACILITY means one of the following:

- (1) Provisioning Center, as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (MMFLA);
- (2) Processor, as that term is defined in the MMFLA;
- (3) Secure Transporter, as that term is defined in the MMFLA;

(4) Grower, including Class A, Class B and Class C, as those terms are defined in the MMFLA;

(5) Safety Compliance Facility, as that term is defined in the MMFLA.

DEPARTMENT means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.

LICENSE means a current and valid License for a Commercial Medical Marihuana Facility issued by the Department. Prequalification, provisional licenses, or temporary licenses are not Licenses under this Chapter.

LICENSEE means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.

MARIHUANA means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

MEDICAL MARIHUANA means that term as defined in MCL 333.26423.

PARAPHERNALIA means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.

PATIENT means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.

PERMIT means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Chapter, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. Said Permit shall be in addition to the special use permit required to be obtained under the Township Zoning Ordinance.

PERMIT HOLDER means the Person that holds a current and valid Permit issued under this Chapter.

PERMITTED PREMISES means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.

PERMITTED PROPERTY means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.

PERSON means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

PUBLIC PLACE means any area in which the public is invited or generally permitted in the usual course of business.

REGISTRY IDENTIFICATION CARD means the document issued to a Patient or a Primary Caregiver and defined under MCL 333.26423(i).

Section 40-28. 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 A
 - b. Growers, Class B
 - c. Growers, Class C
 - d. Processors
 - e. Provisioning Centers
 - f. Safety Compliance Facilities
 - g. Secure Transporters
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 A, Class B, and Class C: 3, regardless of type
 - b. Processor Permits: 3
 - c. Provisioning Center Permits: 6
 - d. Safety Compliance Facility Permits: 6
 - e. Secure Transporter Permits: 3
 - f. No more than one Provisioning Center shall be located in any single Overlay Area except that if any Overlay Area has zero Provisioning Centers granted or under renewal and zero conditionally approved at the time set for the lottery, then a second Provisioning Center may be added to another Overlay Area. No Overlay Area shall have more than two Provisioning Centers.
3. 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 Chapter.
4. Commercial Medical Marihuana Facilities shall operate only as allowed under this Chapter.
5. The requirements set forth in this Chapter 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.

6. An Applicant shall pay Application fees, annual fees, renewal fees and inspection fees for Permits 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.
7. 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 for one year immediately following its approval.
8. Each year, any pending Applications for renewal or amendment of valid, unexpired Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
9. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any License or its Permit.
10. No Permit issued under this Chapter may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Chapter and has been granted a Permit by the Director of Community Planning and Development. No Permit issued under this Chapter is transferrable to any other location except for the Permitted Premises on the Permitted Property.
11. The original Permit issued under this Chapter 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.
12. 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 Chapter, any other local regulations, and with the Permit.
13. 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.

Section 40-29. Other Laws and Ordinances.

In addition to the terms of this Chapter, any Commercial Medical Marihuana Facility shall comply with all Township Ordinances, including without limitation the Township Zoning Ordinance, and with all other applicable federal, state and local ordinances, laws, codes and regulations. To the extent that the terms of this Chapter are in conflict with the terms of any other applicable federal, state or local ordinances, laws, codes or regulations, the terms of the most restrictive ordinance, law, code or regulation shall control.

Section 40-30. Application for and Renewal of Permits.

1. Application. An Application for a Permit for a Facility shall be submitted to the Director of Community Planning and Development per permitted premise, and shall contain the following information:
 - a. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Commercial Medical Marihuana Facility.
 - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility.
 - c. One (1) copy of all the following:
 - 1) To encourage both local industry and also well-qualified applicants, at least two of the following items:
 - i) An official statement issued by the Department indicating that the Applicant has successfully completed prequalification for a License, if any. Copies of Entity/Individual Prequalification Packets and Supplemental Applicant Prequalification Packets or investigations conducted by the Department (if available) shall be provided.
 - ii) Proof that the Applicant or owners of at least 75% of the Applicant are current Township residents and were residents for at least twelve months prior to filing the Application. Any proof of residency must be satisfactory to the Township and must include more than one of the following: residential leases, tax or special assessment bills, utility bills (water, sewer, electric, gas, cable, internet, etc.), credit card bills, voter registration, driver license, tax returns, or homeowner insurance policies, showing current and at least 12 months' prior residence in the Township. The Applicant's majority shareholders, managing members, or managing partners must submit the same information.
 - iii) Applicant's Certification on a form provided by the Township restricting transfer of the Permit and subsequent renewed Permits, and restricting the transfer of any interest in the Permit Holder for a period of not less than 30 months after issuance of the Permit and License. This commitment shall be enforceable severally or jointly by the Township against the Applicant, Permit Holder, and any members or shareholders thereof.

- 2) All documentation showing the proposed Permit Holder'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. All documentation establishing that the Permitted Premises and Permitted Property are within an overlay area with available permits.
- 3) If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it must indicate its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing with the State of Michigan.
- 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 Section 40-31(3) of this Chapter, 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. A list of 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) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
 - 10) Whether any 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.
 - 11) 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.
 - 12) Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
 - 13) Applicant and all related Persons consent to a background check conducted by the Township or any agency used by the Township to complete such checks.
- d. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
 - e. If the Director of Community Planning and Development identifies or is informed of a deficiency in an Application, the Applicant shall have five (5) business days to correct the deficiency after notification by the Director of Community Planning and Development.
 - f. Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.

2. Receipt of Applications.

- a. The Director of Community Planning and Development shall accept Applications for new permits during normal business hours on the second Tuesday in January at the Township Hall. Notice of the day, time, and place shall be given by publication once in a newspaper of general circulation within the Township, which shall be at least 10 days before the date set to accept the Applications. The notice shall also be posted on the Township's website, if any.
- b. Notwithstanding Section 40-30(2)(a), the Director of Community Planning and Development may accept Applications for new permits on dates, times, and places as he deems appropriate. Before accepting any Applications on a date other than permitted by Section 40-30(2)(a), notice of the day, time, and place shall be given by publication twice in a newspaper of general circulation within the Township, the first of which shall be at least 10 days before the date set to accept the Applications. The notice shall also be posted on the Township's website, if any.

3. Denial of Application.

- a. The Director of Community Planning and Development shall reject any Application that does not meet the requirements of the MMFLA or this Chapter. The Director of Community Planning and Development shall reject any Application that contains any false, misleading, or incomplete information.
- b. An Applicant whose Application is rejected or denied because of missing, incomplete, erroneous, false, or misleading information, or because of a lack of submission of the full amount of the fees due, does not have a right to an administrative appeal of the decision.

4. Issuance of Conditional Approval.

- a. Complete Applications for a Commercial Medical Marijuana Facility Permit determined to be in full compliance with the requirements of this Chapter shall be issued conditional approval in accordance with the procedures specified in this Section.
- b. The Director of Community Planning and Development shall issue a conditional approval if:
 - 1) The background checks are complete and satisfactory;
 - 2) The Applicant has submitted satisfactory proof in two of the three following categories:
 - i. Official statement issued by the Department, pursuant to Section 40-30(1)(c)(1)(i).

ii. Proof of residency within the Township pursuant to Section 40-30(1)(c)((1)(ii).

iii. A certificate pursuant to Section 40-30(1)(c)(1)(iii).

3) All other information available to the Township verifies that the Applicant as a grower, processor, provisioning center, safety compliance facility, secure transporter has submitted a full and complete Application and is in compliance with the Township Code of Ordinances and any other applicable law, rule, or regulation.

c. A conditional approval only means that the Applicant has submitted a valid Application for a Commercial Medical Marihuana Facility Permit and is eligible for the lottery.

d. Within (30) thirty days from the issuance of a conditional approval the Applicant shall submit proof to the Township that the Applicant has applied for prequalification for a License or has submitted a full application for such License, unless such information was provided in the Application. If the Applicant fails to submit such proof, the conditional approval shall be void, the application denied, and any lottery position void.

e. A conditional approval and any lottery selection shall be void if an Applicant is denied prequalification for a License or is denied a License. Such denial shall be provided immediately to the Director of Community Planning and Development.

f. A conditional approval does not prevent the Director of Community Planning and Development from requesting additional documentation, as required or permitted under this Chapter.

5. Lottery; Order of Special Use Permit Applications.

a. After all Applications have been either granted conditional approval or denied the Director of Community Planning and Development shall then sort the Applications by the type of facility permit requested.

b. Each conditionally approved application will be entered in a lottery by facility type to determine which Applications may submit special use permit applications. Each facility type shall be drawn by random lottery as follows:

- 1) For Provisioning Centers, the applications shall be additionally sorted by their zoning overlay area. For each overlay area, the Director of Community Planning and Development shall randomly draw the name or number of each Provisioning Center Applicant until all conditionally approved applications are drawn in each overlay area. The Applicant of each first Provisioning Center drawn in each overlay area may then apply for a special use permit. If any bonus second provisioning center is available under Section 40-28(2)(f), then each overlay area with more than one conditionally approved provisioning center application shall itself be drawn by random lottery until all bonus second provisioning center overlay areas have been awarded. The Applicant of each second Provisioning Center drawn in each overlay area awarded a bonus may then apply for a special use permit.
 - 2) For each other facility type, the Director of Community Planning and Development shall randomly draw the name or number of the Applicants until all conditionally approved applications are drawn.
 - 3) The number of special use permit applications submitted may not exceed the number of available Permits under this Chapter. In each facility type, the number of Applicants drawn equal to the available Permits under this Chapter at the time of the lottery may apply for a special use permit. Applicants drawn after the number of available Permits will retain that lottery position as provided in this Chapter.
 - 4) The Director of Community Planning and Development shall maintain a record of the lottery results and order of drawing for each facility type until December 31 of the year in which the lottery occurred. Lottery positions do not confer any right to a Permit under this Chapter.
 - 5) All lottery drawings shall be conducted publicly by the Director of Community Planning and Development with the date and time published on the Township's website and all entrants provided notice.
- c. All special use permit applications must be submitted within 60 days of the lottery or notice under this sub-section. If the Applicant does not submit a special use permit application or a special use permit is denied and all appeals are exhausted, then the Director of Community Planning and Development may consult the lottery results and notify the next Applicant that they may apply for a special use permit.

6. **Renewal Application.** The same requirements that apply to all new Applications for a Permit, except for special use permit and lottery requirements, shall apply to all Renewal Applications. Renewal Applications shall be submitted to and received by the Director of Community Planning and Development 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 Chapter. The Township will not accept Renewal Applications after the expiration date of the Permit.

7. **Issuance of Commercial Medical Marihuana Facilities Permit.**
 - a. An inspection of the proposed Commercial Medical Marihuana Facility by the Township shall be required prior to issuance of the Permit. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marihuana, and prior to the opening of the business or commencement of operations. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the Application submitted and the applicable requirements of this Chapter, the Special Use Permit, and any other applicable law, rule, or regulation.
 - b. After verification the facilities are constructed and can be operated in accordance with the Application submitted and the applicable requirements of this Chapter, the Special Use Permit, and any other applicable law, rule, or regulation, and the issuance of a permanent certificate of occupancy for the facility, the Director of Community Planning and Development shall issue the Permit for a term of one (1) year.
 - c. Maintaining a valid License is a condition for the issuance and maintenance of the Permit issued under this Chapter and the continued operation of any marihuana facility.
 - d. An Applicant or Permit Holder has a duty to notify the Director of Community Planning and Development 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, principal officer, director, manager, or employee within ten (10) days of the event.

- e. An Applicant or Permit Holder has a duty to notify the Director of Community Planning and Development 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, principal officer, director, manager, or employee within (10) ten days of the event.
8. Applications for new Permits where no building is as yet in existence. Any Applicant for a Commercial Medical Marihuana 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.
9. Duty to Supplement. If, at any time before or after a Permit is issued pursuant to this Chapter, any information required in the 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.
10. Permit Forfeiture. In the event that a Commercial Medical Marihuana Facility does not commence operations within one year of issuance of a Township Permit, the Permit shall be deemed forfeited; the facility may not commence operations and the Permit is not eligible for renewal.

Section 40-31. Operational Requirements – Commercial Medical Marihuana Facilities.

A Commercial Medical Marihuana Facility issued a Permit under this Chapter 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, fire, and health departments. The Facility must hold a valid unexpired Permit and License for the type of Commercial Medical Marihuana Facility intended to be carried out within the Permitted Premises on the Permitted Property. The Facility operator, owner, Permit Holder, 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 safe permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight.
 - 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.
 - 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 upon request for inspection.
4. *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m.
5. *Required Spacing.* No Commercial Medical Marihuana Facility shall be located within one-thousand (1,000) feet from any public or private K-12 school, five hundred (500) feet from any church, place of worship or other religious facility, and five hundred (500) feet from any library, preschool, or nearest child care center, with the minimum distance between uses measured horizontally between the nearest property lines.
6. *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 state License or the Township's Permit.
7. *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.

8. *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.
9. *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.
10. *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. Mobile facilities and drive-through operations are prohibited.
11. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
12. *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.
13. *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.
14. *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.
15. *Transportation.* Marihuana may be transported by a Secure Transporter within the Township under this Chapter, 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 Chapter 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.
16. Additional Conditions. The Director of Community Planning and Development 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 Chapter and applicable law.

Section 40-32. 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 Chapter or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor. Any Person who violates this Chapter or fails to comply with any of the requirements of this Chapter 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 the violation continues shall be considered a separate offense.
2. Violations of the provisions of this Chapter or failure to comply with any of the requirements of this Chapter shall be subject to and found responsible for a municipal civil infraction. The fine for any municipal civil infraction shall be one thousand dollars (\$1,000.00) 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. Increased civil fines shall be imposed for repeated violations of any requirement of this Chapter. As used in this subsection, the term “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed within any six-month period and found to be responsible. The increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be two thousand five hundred dollars (\$2,500).
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be five thousand dollars (\$5,000).

4. Revocation.
 - a. A Permit issued under this Chapter may be denied, limited, revoked, or restricted under any of the following conditions:
 - 1) Any fraudulent, false, misleading, or material misrepresentation contained in the Application.
 - 2) Repeat violations of any requirements of this Chapter 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.
 - 3) A valid License is not maintained as required by this Chapter.
 - 4) 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 Chapter.
 - b. If a Permit is revoked or limited under this Chapter, the Director of Community Planning and Development 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 fines 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 Chapter. 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 Chapter.

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. 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 5. Effective Date. This Ordinance shall become effective immediately upon its publication.

Ronald J. Styka, Township Supervisor

Brett Dreyfus, Township Clerk