

BIG CREEK TOWNSHIP
OSCODA COUNTY, MICHIGAN

MARIHUANA REGULATION ORDINANCE

Ordinance No. 2023-27

At a meeting of the Township Board of Big Creek Township, Oscoda County, Michigan, held at the Big Creek Township Hall on March 16, 2023, at 7: 00 p.m., Township Board Member Mitchell moved to introduce the following Ordinance, which motion was seconded by Township Board Member Coulon :

An Ordinance to regulate activities authorized under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. (“MMMA”), the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, MCL 333.27101 et seq. (“MMFLA”), and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. (“MRTMA”) to maintain the public health, safety and welfare of the residents and visitors to the Township.

THE TOWNSHIP OF BIG CREEK, MICHIGAN, ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known as and may be cited as the Big Creek Township Marihuana Regulation Ordinance.

SECTION 2: DEFINITIONS. The following words and phrases shall have the following definitions when used in this Ordinance:

1. “*Application*” means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the “*Applicant*.”
2. “*Co-location*” means the operation of separate MRTMA Establishments or separate MMFLA Facilities at the same location, Permitted Premises, or Permitted Property.
3. “*Co-location Application*” means any Application for a Marihuana Operation that co-locates different License types at the same location, Permitted Premises, or Permitted Property.
4. “*Clerk*” means the Big Creek Township Clerk or his or her designee.
5. “*Commercial Medical Marihuana Facility*” or “*Facility*” means a location at which a “Marihuana facility,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended is approved or is seeking approval to operate under this Ordinance.
6. “*Cultivate*” means that term as is defined in the MRTMA.

7. “*Department*” means the Michigan 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 or Marihuana Establishment including the Cannabis Regulatory Agency or successor entity.
8. “*License*” means a current and valid License for a Commercial Medical Marihuana Facility or Marihuana Establishment or to act as a Primary Caregiver issued by the State of Michigan.
9. “*Licensee*” means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility, Marihuana Establishment, or to act as a Primary Caregiver issued by the State of Michigan.
10. “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
11. “*Marihuana Establishment*” or “*Establishment*” means a location at which a “Marihuana establishment,” as that term is defined in the MRTMA or is any other type of Marihuana-related business licensed by the Department.
12. “*Marihuana Operation*” or “*Operation*” means any of the following Marihuana-related businesses authorized under the MMFLA or MRTMA:
 - a. “*Designated Consumption Establishment*” means as that term is defined by the Department or as may be defined in the MRTMA.
 - b. “*Excess Marihuana Grower*” means as that term is defined by the Department or as may be defined in the MRTMA.
 - c. “*Grower*,” meaning “grower” as defined in the MMFLA.
 - d. “*Marihuana Event Organizer*” means as that term is defined by the Department or as may be defined in the MRTMA.
 - e. “*Marihuana Grower*” meaning “Marihuana grower” as defined in the MRTMA.
 - f. “*Marihuana Microbusiness*” means as that term is defined in the MRTMA.
 - g. “*Marihuana Processor*” meaning “Marihuana processor” as defined in the MRTMA.
 - h. “*Marihuana Retailer*” meaning “Marihuana retailer” as that term is defined in the MRTMA.
 - i. “*Marihuana Safety Compliance Facility*” meaning “Marihuana safety compliance facility” as defined in the MRTMA.

- j. *“Marihuana Secure Transporter”* meaning “Marihuana secure transporter” as defined in the MRTMA.
 - k. *“Provisioning Center”* meaning a “provisioning center” as defined in the MMFLA.
 - l. *“Processor”* meaning “processor” as defined in the MMFLA.
 - m. *“Secure Transporter”* meaning “secure transporter” as defined in the MMFLA.
 - n. *“Safety Compliance Facility”* meaning “safety compliance facility” as defined in the MMFLA.
 - o. *“Temporary Marihuana Event”* as that term is defined by the Department or as may be defined in the MRTMA.
13. *“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.
 14. *“Patient”* means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by the MMMA.
 15. *“Permit”* means a current and valid Permit for a Marihuana Operation or to act as a Primary Caregiver Use issued under this Ordinance, which shall be granted to a Permit Holder only for, and limited to, a specific Permitted Premises and a specific Permitted Property.
 16. *“Permit Holder”* means the Person that holds a current and valid Permit issued under this Ordinance.
 17. *“Permitted Premises”* means the particular building or buildings within which the Permit Holder will be authorized to conduct the Marihuana Operation’s or Primary Caregiver Use’s activities pursuant to the Permit.
 18. *“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.
 19. *“Person”* means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
 20. *“Premises”* means real property proposed to host a Marihuana Operation or Primary Caregiver Use.
 21. *“Primary Caregiver”* means that term as defined in the MMMA.
 22. *“Primary Caregiver Use”* means the cultivation, storage and/or transfer of Marihuana by a Primary Caregiver in accordance with the MMMA and Township ordinances.

23. “*Process*” or “*Processing*” means to separate or otherwise prepare parts of the Marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare Marihuana concentrate or Marihuana-infused products. The use of “process” or “processing” in this Ordinance with respect to its context referring to an appeal process or processing an Application shall not be interpreted using the definition above.
24. “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.
25. “*Reasonably Available Odor Control Technology (“RAOCT”)*” means an odor control technology that limits odor from a particular source or source category within the limits of Township ordinances by the application of control technology that is reasonably available considering technological and economic feasibility. RAOCT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.
26. “*Renewal Application*” means an Application under this Ordinance to renew a previously-granted Permit.
27. “*Township*” means the Township of Big Creek, a township located in Oscoda County, Michigan.
28. “*Transfer Application*” means an Application to lawfully transfer and/or assign a Permit granted under this Ordinance consistent with the requirements of this Ordinance.

SECTION 3: MARIHUANA OPERATIONS; PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE; ELIGIBILITY; GENERAL PROVISIONS. The regulations below are general provisions applicable to Permits for Marihuana Operations and shall apply to Marihuana Operations throughout the Township. Other provisions of this Ordinance govern regulations related to Primary Caregivers and Primary Caregiver Uses.

1. The Township hereby authorizes the operation of the following types of Marihuana Operations, subject to the number of available Permits listed below:
 - a. Growers, Class A – one (1)
 - b. Growers, Class B – one (1)
 - c. Growers, Class C – ten (10)
 - d. Marihuana Growers, Class A – one (1)
 - e. Marihuana Growers, Class B – one (1)

- f. Marihuana Growers, Class C – five (5)
- g. Marihuana Microbusinesses – one (1)
- h. Marihuana Processors – two (2)
- i. Marihuana Retailers – two (2)
 - 1) The same Person may not hold more than one (1) Marihuana Retailer Permit.
- j. Marihuana Safety Compliance Facilities – five (5)
- k. Marihuana Secure Transporters – five (5)
- l. Processors – two (2)
- m. Provisioning Centers – two (2)
- n. Safety Compliance Facilities – two (2)
- o. Secure Transporters – two (2)

The Township Board may review and amend these numbers by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.

- 2. It shall be unlawful for any Person to engage in, or be issued a Permit for, the operation of the following Marihuana Operations:
 - a. Designated Consumption Establishments
 - b. Excess Marihuana Growers
 - c. Marihuana Event Organizers
 - d. Temporary Marihuana Events
- 3. No Person shall operate a Marihuana Operation at any time and at any location within the Township unless an effective Permit for that person at that location has been issued under this Ordinance.
- 4. Marihuana Operations shall operate only as allowed under this Ordinance.
- 5. 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. These include all building, mechanical, plumbing, electrical, or other state construction code permits as required by an applicable building official.

6. At the time of Application, Applicants shall pay all applicable fees for Permits to the Township to defray the costs incurred by the Township for inspection, administration, and enforcement of the local regulations regarding Marihuana Operations. The application fee shall be \$5,000. The Township Board shall set all other fees in this Ordinance or amend the application fee above by resolution in amounts not to exceed any limitations imposed by Michigan law. If the Township fails to set applicable fees by resolution or sets fees that exceed those imposed by Michigan law, the Township shall charge an applicant the maximum fee allowed by Michigan law.
7. A Permit or Renewal Permit shall remain valid only for one year following its approval.
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.
9. Each year, any pending Applications for renewal, amendment, or transfer of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered. Renewal Applications are not subject to competitive review.
10. It is always the exclusive responsibility of each Permit Holder, applicant, 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 in any information submitted on an Application and any other changes that may materially affect any state License or Township Permit.
11. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Ordinance and other applicable Ordinances and the transfer has been authorized under this Ordinance by the Township Board. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property, except for a change in location requested as part of a Renewal Application.
12. 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, 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.
13. 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.
14. 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 Operation and all articles of property in that Operation at any time to ensure compliance with this Ordinance, any other local regulations, and with the Permit.

15. A Permit Holder may not engage in any other Marihuana Operation 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.
16. Unless inapplicable, any applicant for a Marihuana Operation Permit must be prequalified by the Department at the time of application and must submit an official prequalification statement from the Department with its application papers.
17. No Marihuana Operation is authorized to take place where a Person regularly conducts permanent living activities including, but not limited to, sleeping or living. A Permitted Premises with a Marihuana Operation shall only be authorized where the purpose of the Permitted Premises is to conduct activities associated with a Marihuana Operation.

SECTION 4: OTHER LAWS AND ORDINANCES. In addition to the terms of this Ordinance, any Marihuana Operation or Primary Caregiver Use shall comply with all Township Ordinances, to the extent such ordinances do not create obligations in conflict with this Ordinance. Further, all Marihuana Operations or Primary Caregiver Uses must comply with all applicable state laws and regulations including the MMFLA, MRTMA, MMMA, and regulations promulgated by the Department.

SECTION 5: MARIHUANA OPERATION APPLICATION FOR, RENEWAL OF, AND TRANSFER OF PERMITS. The below regulations apply to Applications for Marihuana Operations within the Township. A separate section of this Ordinance governs Applications for Primary Caregiver Uses.

1. **Application and Township Review.** An Application must be submitted for each and every single Permit or Marihuana Operation type which may be operated within the Township. The Township Board by resolution may require applicants to submit Applications using a specific form, or forms, and may reasonably pause acceptance of all Applications until such forms are developed. An Application shall be submitted to the Clerk, and shall contain the following information, at a minimum:
 - a. The name, address, phone number and e-mail address of the Applicant or Permit Holder and the proposed Marihuana Operation sought by the Applicant. For Permits, the Application must specify whether the Applicant is seeking to operate pursuant to the MMFLA, MRTMA, or both.
 - b. Evidence that all property taxes are current on Permitted Property proposed or used for the Marihuana Operation.
 - c. A narrative describing how the Marihuana Operation will meet all operational requirements of this Ordinance.
 - d. The names, home addresses, and personal phone numbers for all owners, partners, directors, officers, and managers of the Permit Holder and the Marihuana Operation.

- e. One (1) copy of all the following:
- 1) 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 Marihuana Operation.
 - 2) If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicates its legal status, attach a copy of all company formation documents (including amendments), a statement of all owners and their percentage of ownership in the company or corporation accounting for 100% of the ownership interest in the Applicant, proof of registration with the State of Michigan, and a certificate of good standing.
 - 3) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Marihuana Operation.
 - 4) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 5) If any signage is proposed, a depiction of the proposed signage drawn with a depicted scale.
 - 6) Non-refundable Application fee.
 - 7) Business and Operations Plan, showing in detail the Marihuana Operation's proposed plan of operation, including without limitation, the following:
 - i. A description of the type of Marihuana Operation 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 any nutrients, pesticides, and other chemicals proposed for use in the Marihuana Operation.
 - 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 operation of the Marihuana Operation shall not create a public nuisance which

unreasonably disturbs or annoys the quiet, comfort, or repose of a reasonable person of normal sensitivities in the vicinity and that the Marihuana Operation will comply with operational restrictions regarding odor.

- vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Operation.
 - 8) 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.
 - 9) An identification of any business that is directly or indirectly involved in the growing, Processing, testing, transporting or sale of Marihuana for the Operation.
 - 10) 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.
 - 11) 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.
 - 12) Information regarding any other Marihuana Establishment, Commercial Medical Marihuana Facility, 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.
 - 13) An official statement issued by the Department, or its successor, that the Applicant has successfully completed prequalification for a License, if any.
- f. Any other information reasonably requested by the Township to be relevant to the review or consideration of the Application.

- g. Information obtained from the Applicant or Permit Holder is exempt from public disclosure to the extent authorized under state law including the MRTMA, MMFLA, and the FOIA.
 - h. Applicant and all related Persons acknowledge and consent to a background check and investigation by the Township as a condition of the Township considering 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.
 - i. By submitting an Application pursuant to this Ordinance, Applicant and all related Persons agree that the Applicant and all related Persons have had the opportunity to review the Ordinance and its authorization of a competitive review utilized by the Township and agree that it conforms to the requirements of MRTMA, MMFLA, and all other statutes. The Applicant and all related Persons covenant not to bring any legal claim to any federal or state court alleging that this Ordinance and the competitive review set forth by the Township violate MRTMA, the MMFLA, or any other statute, or are otherwise illegal.
 - j. 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.
 - k. Prior to the approval or renewal of an Application for a Grower or Marihuana Grower Permit, an Applicant may amend the Class of the Grower Permit Application by submitting an application form and expressly incorporating by reference the information or documentation contained in the original Permit Application. The Township may impose a fee as established by resolution. The Applicant will be required to show proof of a valid state license allowing operation of the new class of the Grower or Marihuana Grower Permit prior to operation.
2. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications, but Renewal Applications shall not be subject to competitive review. 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.

- a. Delayed Renewal. A Permit Holder whose Application has not been received 90 days prior to the expiration date (or 120 days for a change in location) may rebut the presumption and apply for the right to file a delayed Renewal Application, which shall be granted by the Township unless the Applicant has been found to have defrauded the Township, lost its License, or committed a material violation of this Ordinance. The Application for the right to file a delayed Renewal Application must be filed by the expiration date of the Permit, and the applicable fees shall be paid at the time of the delayed Application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than 12 months after the expiration date.
 - b. Past Conduct. The Township Board shall consider a Renewal Applicant's past history of compliance with this Ordinance and other laws in deciding whether to issue approval. A Renewal Applicant's failure to comply with this Ordinance or other laws may result in a Renewal Application being denied.
3. **Transfer Application**. Any unauthorized transfer or attempted transfer of a Permit or ownership interest in a Permit Holder constitutes a violation of this Ordinance.
- a. The same requirements that apply to all new Applications for a Permit apply to all Applications to transfer, sell, assign, or otherwise convey an existing Permit to a new legal entity or individual(s), 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. 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.
 - b. No Permit Holder shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the entity holding the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Board after submitting a Transfer Application under this Ordinance. The transferee applicant and Permit Holder must submit a change in control Transfer Application to the Clerk prior to any sale or transfer of stock or membership interest. The Application shall include all of the following:
 - 1) The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder, the Marihuana Operation, and Applicant.
 - 2) If the Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, attach a copy of all company formation documents, bylaws, and any amendments, purchase agreement

for stock or membership interest, and a certified copy of the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.

- 3) If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status, attach a copy of all company formation documents (including bylaws and amendments), 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 Applicant.
 - 5) Whether any Applicant or any 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.
 - 6) Information regarding any other Marihuana Establishment, Commercial Medical Marihuana Facility, similar permit or license, or any other Marihuana business or venture that the 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 is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each.
 - 7) A non-refundable Application fee, as set by resolution by the Board.
 - 8) Any documents required to reflect that the Marihuana Operation will be operated and managed consistent with the current filings provided to the Township.
 - 9) Any other information reasonably requested by the Township to be relevant to the review or consideration of the Application.
- c. If, prior to the approval of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Clerk to amend the Application. Upon approval by the Clerk, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any

documents required for a new Permit under this Ordinance. The Township Board may set a fee by resolution for such a change.

- d. 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.

4. **Approval, Issuance, Denial and Appeal.**

- a. *Decision Time Period*: All inspections, review, and consideration of the Application, including transfer Applications, 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. If the Application is approved, then the Permit shall be issued to the Applicant as the Permit Holder.
- b. *Extensions*: The review time may be extended upon written notice by the Township for good cause, and any failure to meet the required review 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.
- c. *Reasons for Denial*: The Township Board shall provide written reasons for Permits denied under this Ordinance.
- d. *Competitive Review*: If at any time there are a greater number of Applications for Permits than there are available Permits for Marihuana Operations within the Township, the Township shall decide among competing Applications by a competitive

review intended to select the Applicants who are the best suited to operate within the Township.

- 1) The Township Board is authorized to issue procedures and standards establishing the competitive review for the Township to select the Applicant to operate in compliance with state law, this Ordinance, and within the Township. The Township Board shall consider, review, and evaluate each initial Application according to the procedures and standards. In their review, the Township Board will evaluate the contents of the Application(s), other materials submitted by the applicant, legal opinions or other reports drafted to help facilitate board review, and any other material deemed relevant by the Township Board.
 - 2) If a competitive review is used, to determine whether the Application(s) will be approved, the Township Board will apply the competitive review procedures and standards determined by the Township Board and will conduct a public hearing to review the Application(s) under the standards provided by the Township Board as authorized under this Ordinance.
 - 3) In the event an initial Applicant that was subject to competitive review appeals the Township's decision, then the Township shall automatically stay all approvals issued to other Applicant(s) who participated in the same competitive review as the Applicant(s) appealing. This stay shall be lifted when the appealing Applicant(s) abandon or exhaust the appeal process.
 - 4) Permits subject to renewal shall not be considered available for the purposes of the above.
- e. *Incomplete Applications:* The Township has no obligation to review 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.
- f. *Denial:* All decisions made by the Township Board pursuant to this Ordinance, except decisions relating to the number of Permits to be made available or issued, are subject to this Ordinance's appeal process. After the appeal process has been exhausted, a Township Board decision may be appealed to a court of competent jurisdiction, provided that: (1) with respect to a denial of an initial Permit or Transfer Application, an appeal shall not grant any rights to an Applicant, subject to an order of the court; and (2) with respect to denial of a Renewal Application, if the Applicant has paid all required fees (and any additional fees due during the pendency of the appeal), the pre-existing Permit shall be extended during the pendency of the appeal, unless otherwise ordered by a court.
- g. *Township Appeal Process:* Within ten (10) calendar days of a decision of the Township Board, any Applicant under this Ordinance may file a written appeal to the Township

stating the grounds upon which the Township Board's decision was not authorized under the Ordinance, law, or not based on competent, material, and substantial evidence before the Township Board.

- 1) The Township and Applicant(s) have the right to be represented by legal counsel during an appeal under this Ordinance.
 - 2) After receipt of an appeal, the Township shall schedule the matter for a hearing before a hearing officer. The Township will appoint a hearing officer for each matter.
 - 3) The hearing officer shall review and determine the merit of the grounds raised by the Applicant in their written appeal.
 - 4) Following the appeal hearing, the hearing officer shall prepare recommended findings of fact and conclusions of law for transmittal to the Township Board based upon the evidence presented to the Township Board to make the decision being appealed. The hearing officer will recommend whether the Township Board should affirm, affirm with modification, or reverse the Township Board's decision.
 - 5) The Township Board, in its final order, may adopt, modify, or reject, in whole or in part, the hearing officer's written recommendation. If the Township Board modifies or rejects the hearing officer's written recommendation, the reasons for that action shall be stated in the Township Board's final order.
5. **No Building Currently Existing.** Any Applicant for a Marihuana Operation 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 commence construction of the building, in accordance with applicable construction codes and any other applicable state or local laws, rules or regulations, and to thereafter complete construction and commence business operations without unreasonable delay.
6. **Effect of Transfer.** Immediately following the approval of a transfer of a Permit by the Township Board, transferee(s) will obtain all the interests, rights, obligations, and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated. For transfers where no building is yet in existence, the deadline for construction be extended to one year immediately following the date the transfer is effectuated, but construction must commence within three years after the Township's initial approval of the Permit, regardless of any subsequent transfers. For transfers adding or removing members from an existing Permit Holder, the renewal and termination dates of the Permit shall not change.
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, the MRTMA, 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 Township 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, principal officer, director, manager, or employee within ten (10) days of the date when the Applicant, any owner, officer, director, or manager has notice of the event.
- c. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, 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, the MRTMA, any building, fire, or health 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 date when the Applicant, any owner, principal officer, director, or manager has notice of the event.

SECTION 6: MARIHUANA OPERATION - OPERATIONAL REQUIREMENTS.

Marihuana Operations 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.** Marihuana Operations shall comply with all respective applicable codes of the local building and health departments, except to the extent and manner that they are inconsistent with the MMFLA, the MRTMA or this Ordinance. Commercial Medical Marihuana Facilities must hold a valid local Permit and State Commercial Medical Marihuana Facility License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. Marihuana Establishments must hold a valid local Permit and Michigan Marihuana Establishment License for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Facility or Establishment 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 or Marihuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility or Marihuana Establishment 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. **Location.** No Permit shall be issued or renewed for a Marihuana Operation in the following locations within the Township.

- a. *Mio Excluded Area:* M33 from a line parallel from 14th street North to 4th Street, West one mile to section line between section 1 & 2, thence South to 14th street, then East in a straight line to M-33; and
 - b. *Luzerne Excluded Area:* M-72 Bridge over main branch of Big Creek, south to Palmer Road, West to Klimmeck Road to M-72 continuing in a straight line North to Waterwheel Court, East to a line directly North to the M-72 bridge.
4. **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 or Establishment overnight, except for Marihuana actively grown in a Grower Facility or Establishment;
 - d. All Marihuana in whatever form stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Property, 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 upon request for inspection.
5. **Operating Hours.** No Provisioning Center or Marihuana Retailer shall operate between the hours of 9:00 p.m. and 7:00 a.m.
6. **Required Spacing.** No Marihuana Operation 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, licensed childcare center, or public or private park, if such uses are in existence at the time the Marihuana Operation is established, with the minimum distance between uses measured horizontally between the nearest property lines.
7. **Co-location.** Marihuana Operations may be located at the same Permitted Premises as other Marihuana Operations, provided that a Permit issued for each individual Facility and consistent with any other rule, regulation, or state law, including the MMFLA, the MRTMA and any rules promulgated thereunder.
8. **Stacked License.** An Applicant for a Marihuana Grower or Grower facility may apply to stack another Marihuana Grower or Grower Permit at the Facility/Establishment 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.

9. **Amount of Marihuana.** The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner, or operator of the Marihuana Operation shall not exceed that amount permitted by the state License or the Township's Permit.
10. **Sale of Marihuana.** The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
11. **Sign Restrictions.** All signs shall comply with any applicable local, state, or federal law or rule governing Marihuana Operations. A Permitted Premises or Permitted Property may not contain flashing or animated signs. 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. Licensees and Permit Holders shall not advertise a Marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other Public Place.
12. **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.
13. **Indoor Operation.** All activities of Marihuana Operations, including without limitation, distribution, sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors besides Marihuana Growers and Growers in compliance with the standards below. The Marihuana Operation's design and operation 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 at the property line of the Permitted Premises.
 - a. A Grower or Marihuana Grower may cultivate Marihuana outdoors only consistent with the below:
 - 1) The Grower or Marihuana Grower complies with all requirements for outdoor cultivation under MAC 420.206(b) and any other future rules promulgated by the Cannabis Regulatory Agency or successor entity including:
 - 2) Any outdoor area for cultivation is contiguous to the Marihuana Operation's building and is fully enclosed by fences or barriers to ensure Marihuana plants are not visible from a public place without the use of optical aids.
 - 3) The fence surrounding a cultivation area must be at least eight-feet tall and be either made of solid material with no gaps (e.g., a privacy fence) or have fabric screening installed to not allow visibility within the fenced area.

- 4) The outdoor cultivation area must have security cameras that are professionally monitored 24 hours a day, seven days a week, and allow visibility of all areas of the required fence perimeter and within all areas inside the fence.
 - 5) A Marihuana Operation with an outside cultivation area must utilize RAOCT to negate the odor of any Marihuana on neighboring properties or public property. The Township Board may require a Person to prepare a study to ensure no odor will impact neighboring properties from an outdoor Grower or Marihuana Grower.
 - 6) All unlawful access of Marihuana from an outdoor Grower or Marihuana Grower must be reported to the Township Clerk within 24 hours of discovery of the unlawful access. The Township Board may impose additional security requirements on an outdoor Grower or Marihuana Grower in the event of unlawful access to Marihuana on the Permitted Property.
14. **No Nuisance.** The acquisition, possession, cultivation, use, delivery, distribution, Process, sale, or transfer of Marihuana within the Township shall not create a public nuisance which unreasonably disturbs or annoys the quiet, comfort, or repose of a reasonable person of normal sensitivities in the vicinity. No person shall commit, create, or maintain such public nuisance including by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazard, light pollution, toxic chemicals, or other public nuisance conditions that would offend a reasonable person of normal sensitivities.
 15. **Control and Mitigation of Odor.** Odors from cultivating, growing, manufacturing, and Processing must be abated to the fullest extent reasonably possible through the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building from which the odor is generated. Air scrubbing and carbon filtration systems shall be required unless the Township Board or its designated representative approves of Reasonably Available Odor Control Technology for a specific Premises.
 16. **Unpermitted Growing.** A Patient or customer may not grow his or her own Marihuana at a Marihuana Operation.
 17. **Distribution.** No Person operating a Marihuana Operation shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
 18. **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.
 19. **Waste Disposal.** Permit Holders and owners and operators of Marihuana Operations shall use lawful *methods* to dispose waste or by-products from any activities allowed under the License or Permit according to all applicable local, state, and federal laws and regulations. Permit Holders and owners and operators of Marihuana Operations must dispose waste from Marihuana products in secure waste receptacles and shall render Marihuana product waste into an unusable and recognizable form by incorporating the Marihuana product

waste with other non-consumable solid waste. Permit Holders and owners and operators of Marihuana Operations shall manage all hazardous waste subject to Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11101 *et seq.*

20. **Transportation.** Marihuana may be transported by a Secure Transporter or Marihuana 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;
 - 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; and
 - 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.
21. **Two Year Operation.** The Township may deny renewal of any Permit to a Marihuana Operation that does commence operations within two years of the issuance of the Permit.
22. **Additional Conditions.** The Township Board may impose such reasonable terms and conditions on a Permit 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 7: PRIMARY CAREGIVER USE; APPLICATION FOR, RENEWAL OF, AND TRANSFER OF PERMITS. To ensure the health, safety, and welfare of the community, ensure compliance with the MMMA, and ensure compliance with this ordinance, a Primary Caregiver Use is required to acquire a permit from the Township by submitting an Application with the required information below with any required Application fee before operating a Primary Caregiver Use within the Township.

1. An Applicant that desires to operate a Primary Caregiver Use must obtain a Permit from the Township by submitting a written Application containing all of the information below. The Township Clerk or their designee may create an application form for such permits, and if created, an Applicant must submit their Permit application using that form. The Township Board may establish by resolution a required application fee under the Ordinance.
2. The Permit Application shall include:
 - a. The Applicant’s name, address, phone number, and e-mail address;
 - b. The address of the premises where Marihuana will be acquired, possessed, cultivated, Processed, used, or transferred;
 - 1) If the Applicant does not own the Premises where Marihuana will be acquired, possessed, Processed, used, or transferred, he or she must provide written

documentation outlining that such activities are permitted on the Premises or indicating some ownership interest (e.g., a lease).

- c. A copy of the current state registration card issued to the Primary Caregiver;
 - d. A full description of the nature and types of equipment which will be used in Marihuana cultivation and activities of the Primary Caregiver Use ;
 - e. A narrative describing the security measures the Primary Caregiver will use to ensure that no one unlawfully accesses Marihuana and outlining whether the Primary Caregiver will reside on the Premises hosting the Primary Caregiver Use;
 - f. A sketch plan of the Premises identifying the key areas where Marihuana cultivation, Processing, use, or transfer will take place, including the location of any chemicals used in the Processing and the storage of waste products while being maintained on the Premises;
 - g. A plan for the disposal of Marihuana and related byproducts that will be used;
 - h. Information related to the amps rating of the electric power service to be used to support the Primary Caregiver Use;
 - i. A description of any improvements to be used to support the Primary Caregiver Use that will need building, electrical, mechanical, or plumbing permits;
 - j. A narrative explaining how the Primary Caregiver Use will meet all operational standards of this Ordinance; and
 - k. The number of Marihuana plants that will be cultivated and Processed.
3. The Township Board, or its designated representative, shall review a complete Application, with supporting materials, and shall approve, approve with conditions, or deny a permit based upon compliance with this Ordinance. The basis for a denial shall be stated in writing. Applicants may appeal any conditions or denied applications to the Township Board in writing within 30 days of such denial. The Township Board will decide all appeals in writing.
 4. Information treated as confidential under the MMMA, including the Primary Caregiver registry identification card and any information about qualifying patients associated with the Primary Caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.
 5. A Permit for a Primary Caregiver Use shall remain valid for three (3) years following its approval.

SECTION 8: PRIMARY CAREGIVER USES OPERATIONAL REQUIREMENTS. All Primary Caregiver Uses are subject to the following specific regulations to ensure compliance with state and local laws and to promote the health, safety, and general welfare of Township residents and visitors.

1. The minimum lot size for a Primary Caregiver Use is five (5) acres. The Township may waive the minimum lot size requirement if an applicant for a Primary Caregiver Use can

provide written documentation in an application for a Permit under this Ordinance showing that a proposed Primary Caregiver Use: (1) is able to effectively meet the requirements of this Ordinance; and (2) will not impose nuisances on neighboring properties despite being on a lot that is less than five (5) acres.

2. A Primary Caregiver Use may not be located (as measured from exterior property lines): (1) within 1,000 feet of any school or child facility; (2) within 500 feet of any church, house of worship, or other religious facility; (3) within 500 feet of any public park, publicly owned building, or recreational area commonly used by children; and (4) within 500 feet of any other Primary Caregiver Use. Such location exclusions will not apply if a Primary Caregiver Use pre-dates the existence of any uses specified above.
3. There shall be no more than one Primary Caregiver Use per Permitted Premises.
4. All lighting shall be subject to the following general operating standards:
 - a. All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.
 - b. All lighting shall be shielded to the extent possible to reduce glare and visibility.
 - c. Grow lights shall not be used before 6:00 a.m. local time and shall not be used after 9:00 p.m. local time where they are visible from any adjacent properties or rights-of-way.
5. The operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air scrubbing and carbon filtration system so that no odor is detectable at the property line of the premises, unless the Township Board or its designated representative approves a Reasonably Available Odor Control Technology for a specific premises.
6. No signs or advertisements related to a Primary Caregiver Use shall be permitted on the exterior of any structure on the Premises.
7. To ensure compliance with all applicable requirements and laws, the portion of any building or structure where a Primary Caregiver Use assisting other patients acquires, possesses, cultivates, Processes, transfers, or uses Marihuana is subject to inspection and approval by a Township representative, including, but not limited to: (1) a code enforcement officer; (2) a law enforcement official serving the Township; or (3) a building official. Moreover, any Premises, and all enclosed, locked facilities on a Premises with a Primary Caregiver Use shall be available for inspection upon reasonable request by a building official, code enforcement officer, law enforcement official, or the Township Supervisor.
8. Marihuana cultivation, Processing, use, and transfer shall be maintained in compliance with the requirements of Township ordinances, materials submitted with a Permit application, and the MMMA. Any departure shall be grounds to revoke a Permit at a hearing in front of the Township Board and for the Township to take other lawful actions to abate such nuisance. If a Permit is revoked, an applicant shall not engage in a Primary Caregiver Use for a period of one year after the revocation and until the applicant obtains a new Permit under this Ordinance.

SECTION 9: GENERALLY APPLICABLE MARIHUANA REGULATIONS. The regulations below shall apply to any Person within the Township that uses, possesses, grows, transports, or conducts activities with Marihuana, including Primary Caregiver Uses, in order to ensure compliance with state and local laws and to promote the health, safety, and general welfare of Township residents and visitors.

1. Marihuana grown on any Premises for personal use must comply with the applicable provisions of state law unless authorized as a licensed Primary Caregiver Use or operating consistent with state or local law.
2. The acquisition, possession, cultivation, use, delivery, distribution, processing, sale, or transfer of Marihuana within the Township shall not create a public nuisance which unreasonably disturbs or annoys the quiet, comfort, or repose of a reasonable person of normal sensitivities in the vicinity. No Person shall commit, create, or maintain such public nuisance including by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazard, light pollution, toxic chemicals, or other public nuisance conditions that would offend a reasonable person of normal sensitivities.
3. Any Person with Marihuana on a Premises shall control any odor from their property by regularly maintaining and operating an air scrubbing and carbon filtration system so that no odor from the acquisition, possession, cultivation, Processing, transfer, sale, or use of Marihuana is detectable at the property line of the premises, unless the Township Board or its designated representative, approves of Reasonably Available Odor Control Technology for a specific property or if lawful activities associated with Marihuana on a property do not cause detectable odors at property lines.
4. All lighting associated with Marihuana activities shall be directed away from and be shielded from adjacent properties without alteration a building (e.g., boarded up windows) and shall be so arranged as to not adversely affect adjacent properties or driver visibility on adjacent public roads.
5. Any storage of chemicals used for Marihuana such as herbicides, pesticides, and fertilizers shall be stored in a reasonably safe and prudent manner.
6. Any person or entity shall use lawful methods to dispose of waste or by-products from any lawful marihuana activities allowed within the Township according to all applicable local, state, and federal laws and regulations.
7. All Marihuana activities conducted by a person or entity must comply with applicable Michigan or local laws.

SECTION 10: PENALTIES AND CONSEQUENCES FOR VIOLATIONS. 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 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.

2. 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 an 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) 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.
3. 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 public hearing before the Township Board.
4. 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.

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 civil in nature. The imposition of any fine or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

SECTION 11. MARIHUANA OPERATIONS AND PRIMARY CAREGIVER USES PRESENTLY PERMITTED. All Marihuana Operations and Primary Caregiver Uses shall be allowed to continue operating under their present Permit and under the requirements of Big Creek Township Ordinances 2018-22 (MMFLA), 2021-25 (MRTMA), and 2021-26 (Caregivers). Marihuana Operations and Primary Caregiver Uses permitted at the time of this Ordinance’s adoption will be obligated to conform to this Ordinance’s requirements for renewal permits when they submit their next annual Renewal Application, at which time they will be required to meet all requirements under this Ordinance.

SECTION 12: 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 13: 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 14: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed including Big Creek Township Ordinances 2018-22 (MMFLA), 2021-25 (MRTMA), and 2021-26 (Caregivers).

SECTION 15: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following publication or posting after adoption by the Township Board.

YEAS: Mitchell, Coulon, Avery, Booth, Mundt

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED:

James Booth, Big Creek Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Big Creek Township Board at a duly scheduled and noticed meeting of that Township Board held on March 16, 2023, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Oscoda County Herald newspaper, a newspaper that circulates within Big Creek Township, on March 29, 2023.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Oscoda County Clerk on March 21, 2023.

ATTESTED:

Rhonda Mundt, Big Creek Township Clerk

**BIG CREEK TOWNSHIP
NOTICE OF ADOPTION
ORDINANCE NO. 2023-27**

MARIHUANA REGULATION ORDINANCE

On March 16, 2023, the Big Creek Township Board adopted Ordinance No. 2023-27 the Big Creek Township Marihuana Regulation Ordinance to regulate activities authorized under Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. (“MMMA”), the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, MCL 333.27101 et seq. (“MMFLA”), and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. (“MRTMA”) to maintain the public health, safety and welfare of the residents and visitors to the Township.

The Ordinance contains the following sections and catch lines: SECTION 1: TITLE; SECTION 2: DEFINITIONS; SECTION 3: MARIHUANA OPERATIONS; PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE; ELIGIBILITY; GENERAL PROVISIONS; SECTION 4: OTHER LAWS AND ORDINANCES; SECTION 5: MARIHUANA OPERATION APPLICATION FOR, RENEWAL OF, AND TRANSFER OF PERMITS; SECTION 6: MARIHUANA OPERATION - OPERATIONAL REQUIREMENTS; SECTION 7: PRIMARY CAREGIVER USE; APPLICATION FOR, RENEWAL OF, AND TRANSFER OF PERMITS; SECTION 8: PRIMARY CAREGIVER USES OPERATIONAL REQUIREMENTS; SECTION 9: GENERALLY APPLICABLE MARIHUANA REGULATIONS; SECTION 10: PENALTIES AND CONSEQUENCES FOR VIOLATIONS; SECTION 11: MARIHUANA OPERATIONS AND PRIMARY CAREGIVER USES PRESENTLY PERMITTED; SECTION 12: SEVERABILITY; SECTION 13: SAVINGS CLAUSE; SECTION 14: REPEAL; and SECTION 15: EFFECTIVE DATE.

A true copy of the Ordinance is available for inspection and may be obtained at the offices of Big Creek Township, 1175 W. Ryno Road, Luzerne, MI 48636 during regular business hours or upon appointment with the Township Clerk.

Rhonda Mundt
Big Creek Township Clerk
(989) 826-5992
BigCreekClerk@gmail.com
<https://www.bigcreektownship.com/>

Publication Date: March 29, 2023