

**AMENDMENT TO CLARK TOWNSHIP
CODE OF ORDINANCES SECTION _____
ENTITLED RECREATIONAL MARIHUANA ORDINANCE
ORDINANCE NO. 96-001
CLARK TOWNSHIP CODE OF ORDINANCES
Ord. No. 96-002, Effective 7-19-2021**

An Ordinance amending Ordinance Number 96-001, as amended, entitled "Recreational Marihuana Ordinance", of the Township of Clark Code of Ordinances to repeal the ordinance in its entirety and replace it with this ordinance.

THE TOWNSHIP OF CLARK ORDAINS:

**SECTION I
REPEAL AND REPLACE**

Ordinance Number 96-001 entitled Recreational Marihuana Ordinance, as amended is hereby repealed in its entirety and replaced with the following:

**SECTION II
TOWNSHIP OF CLARK
RECREATIONAL MARIHUANA ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to permit a limited amount of recreational marihuana facilities in Clark Township pursuant to the Michigan Regulation and Taxation of Marihuana Act of 2018, MCL 333.27101, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**SECTION III
TITLE**

This ordinance shall be known as and may be cited as the Township of Clark Recreational Marihuana Ordinance.

**SECTION IV
DEFINITIONS**

Applicant means a person who applies for a state operating license.

Licensee means a person holding a state license.

Marihuana Establishment ("Establishment") means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

Marihuana Grower ("Grower") means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Microbusiness (“Microbusiness”) means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana Processor (“Processor”) means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana Retailer (“Retailer”) means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Marihuana Safety Compliance Facility (“Safety Compliance Facility”) means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana Secure Transporter (“Secure Transporter”) means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Operating License means a license that is issued by the Township of Clark under the Michigan Regulation and Taxation of Marihuana Act and this ordinance that allows the licensee to operate in the Township as one of the following, specified in the license, (a) a grower; (b) a microbusiness; (c) a processor; (d) a retailer; (e) A safety compliance facility; or (f) a secure transporter.

Person means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Stakeholder shall mean any shareholder of a corporation, partner in a partnership, member of a limited liability company, or individual of a sole proprietorship.

State Operating License means a license that is issued under the Michigan Regulation and Taxation of Marihuana Act that allows the licensee to operate as one of the following, specified in the license: (a) a grower; (b) a microbusiness; (c) a processor; (d) a retailer; (e) A safety compliance facility; or (f) a secure transporter.

In the event any of these definitions are in contrast with the Michigan Regulation and Taxation of Marihuana Act, as amended, the definitions found in the Act shall supersede.

Words used herein that are not expressly defined but contained in the Michigan Regulation and Taxation of Marihuana Act, shall have the definitions as provided for in the Act, as may be amended.

SECTION V PERMITTED ESTABLISHMENTS

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, and subject to zoning regulations, the Township of Clark hereby authorizes only the following state-licensed recreational marihuana establishments for operation only if said Establishments have a valid Operating License and are located within the Township:

Marihuana Microbusiness; Marihuana Retailer; Class A, B, C Growers Licenses; Marihuana Processor; Marihuana Safety Compliance Facility; and Marihuana Secure Transporter.

No other marihuana establishments are permitted, including but not limited to, any type of marihuana grower or marihuana retailer.

**SECTION VI
OPERATING LICENSE NUMBERS ALLOWABLE**

The Township of Clark hereby designates the following number of licenses for each authorized marihuana establishment within the boundaries of the Township pursuant to the Michigan Regulation and Taxation of Marihuana Act., as may be amended:

<u>Type of Establishment:</u>	<u>Number of Licenses Authorized:</u>
Marihuana Microbusiness:	7
• Designated Consumption Establishment	7
• Temporary Event	No Limit
• Event Organizer	No Limit
Marihuana Retailer	2
Class A, B, C Growers Licenses	2 per category
Class C License Stacking	2
Marihuana Processor:	No Limit
Safety Compliance Facility:	No Limit
Secure Transporter:	No Limit

Recreational Marihuana Designated Consumption Establishment Licenses, Temporary Event Licenses, and Event Organizer Licenses will only be issued to licensed Microbusinesses and must comply with all State and local Microbusiness license regulations. The number of Microbusinesses Temporary Event Licenses and Event Organizer Licenses shall be unlimited and shall:

1. Be held only from Monday to Saturday.
2. Be held only during the hours of 9 AM to 5 PM.
3. Be limited to less than a 10,000 square foot area within the required 100' setbacks.

**SECTION VII
OPERATIONAL STANDARDS FOR ALL MARIHUANA
ESTABLISHMENTS WITHIN TOWNSHIP**

The following standards shall apply to all marihuana establishments located within the Township:

1. Marihuana establishments shall comply at all times and in all circumstances with the Michigan Regulation and Taxation of Marihuana Act, MCL 333. 27101, and applicable Michigan Law, and the general rules of the Department of Licensing and Regulatory Affairs, as provided in the Act, as they may be amended from time to time. It is the responsibility of marihuana establishment owners within the Township to be aware of changes to the Michigan Regulation and Taxation of Marihuana Act. The Township bears no responsibility for failure of the owner to be unaware of changes in the Act.
2. Marihuana establishments shall be open, during regular business hours, to any representative of LARA, state police officers, or local police officers, all authorized state and local building inspectors, environmental inspectors, the Township representative, and local law enforcement personnel, and said individuals may enter the premises, offices, establishments, or other places of business of a licensee, for the following purposes:
 - a. To inspect and examine all premises of marihuana establishments.
 - b. To inspect, examine, and audit relevant records of licensees and, if the licensee or any employee fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored; and
 - c. To investigate alleged violations of the Michigan Regulation and Taxation of Marihuana Act, this ordinance, and applicable Michigan law.
3. Marihuana Establishments will be located in a secure building in the described areas and shall be a minimum of 1,000 feet from any school property line measuring from the closest accessible point to property lines and using the method of measurement described in 436.1503, Michigan Liquor Control Code of 1998, Act 58 of 1998, excerpt portion of Section 503(1).
4. All marihuana, in any form, kept at the location of the Establishment shall be kept within an enclosed, secured building, and said marihuana shall not be visible from any location outside the building.
5. Marihuana Establishments must be designed to minimize odors emanating from marihuana.
6. Marihuana Establishments shall have adequate security to prevent access to the marihuana by non-authorized personnel, including unauthorized removal. All rooms that contain marihuana, in any form, must be individually locked and accessible only to authorized personal.
7. All Establishment premises shall be maintained in good working order. The premises shall be monitored and secured 24 hours per day and records of the surveillance shall be available for 30 days and obtainable by the Township upon request.
8. All Establishments shall have a process in place to prevent the contamination or pollution of the marihuana during handling, loading, and unloading of the marihuana.
9. All Establishments and operations must be in compliance with this Ordinance at all times.

**SECTION VIII
ADDITIONAL OPERATIONAL STANDARDS
FOR MARIHUANA RETAILER**

The following standards shall apply to all Marihuana Retailer located within the Township:

1. A Stakeholder in a Marihuana Retailer Establishment shall not hold an ownership interest, directly or indirectly, in a Grower, Processor, Retailer, Safety Compliance, or Secure Transporter Establishment.
2. A Stakeholder in a Retailer Establishment shall not hold an ownership interest, directly or indirectly, in another Microbusiness Establishment.

3. All applications submitted and reviewed shall receive final approval by Zoning Administrator prior to issuance of a license by Clark Township.
4. The hours of operation for all Microbusinesses shall be no more than 9:00 am to 9:00 pm Monday through Saturday and 12:00 pm to 9:00 pm on Sunday.
5. Marihuana Retailers and their agents shall ensure that all purchasers of marihuana are at least 21 years of age.
6. Marihuana Retailers shall be located within Clark Township on Agriculturally zoned parcels of at least 10 acres, or Industrially zoned parcels of at least 5 acres, and are not to be located on any property south of M-134, including within the commercially zoned areas downtown of Cedarville or Hessel.
7. A Marihuana Retailer will be located in a secure building in the described areas and shall be a minimum of 1000 feet from any school property line measuring from the closest accessible point to property lines and using the method of measurement described in 436.1503, Michigan Liquor Control Code of 1998, Act 58 of 1998, excerpt portion of Section 503. (1)
8. The building where the Marijuana Retailer is located can be in an existing building and/or be built on a vacant lot as long as it meets a 100' setback zoning requirements, which overrides any other Township property setback in any zone.
9. The construction materials, style, colors, landscape, height, outside lighting, and general building quality of a Marihuana Retailer shall be submitted to the Zoning Administrator for approval. Guidance for the above can be discussed and determined with a consultation with the Zoning Administrator.
10. A final license shall be approved upon compliance with all sections within this ordinance, a successful vetting process, and a presentation to the Township Board. The presentation shall include final architectural drawings and renderings or prints depicting the appearance of the facility.
11. The presentation shall also include a written three to five-year general business plan and other requirements so written and made available through the Zoning Administrator.
12. The Zoning Administrator will issue the final approval within 2 weeks after any and all applicants have had their presentations in front of and approved by the Township Board and has been determined by the Board for the allowable license(s).
13. The building conforms to the rules/regulations enacted by the Marihuana Regulatory Administration and incorporated in the Michigan Regulation and Taxation of Marihuana Act.
14. Both the Township Special Land Use and Michigan Regulation and Taxation of Marihuana Act Operating License application shall be completed in their entirety and submitted prior to any operating license(s) being issued.
15. If approved for a Special Use, and after payment of a fee to be determined by the Township Board, Marihuana Retailers shall be issued an Operating License.
16. The Operating License must be renewed annually through the payment of a fee to be determined by the Township Board and through compliance with the requirements of the State of Michigan and this Ordinance, as demonstrated through an inspection by the Township Building Inspector or his/her designee.
17. The Operating License and State Operating License must be displayed in plain view clearly visible to Township officials and Recreational Marihuana Licensing Board authorized agents.
18. All License Holders shall be subject to periodic inspection and shall make their Facilities available to any and all authorized state and local building inspectors, environmental inspectors, the Township representative, and law enforcement personnel.

**SECTION IX
ADDITIONAL OPERATIONAL STANDARDS
FOR MARIHUANA MICROBUSINESS**

The following standards shall apply to all marihuana Microbusinesses located within the Township:

1. A Stakeholder in a Microbusiness Establishment shall not hold an ownership interest, directly or indirectly, in a Grower, Processor, Retailer, Safety Compliance, or Secure Transporter Establishment.
2. A Stakeholder in a Microbusiness Establishment shall not hold an ownership interest, directly or indirectly, in another Microbusiness Establishment.
3. All applications submitted and reviewed shall receive final approval by Zoning Administrator prior to issuance of a license by Clark Township.
4. The hours of operation for all Microbusinesses shall be no more than 9:00 am to 9:00 pm Monday through Saturday and 12:00 pm to 9:00 pm on Sunday.
5. Marihuana microbusinesses and their agents shall ensure that all purchasers of marihuana are at least 21 years of age.
6. Microbusinesses shall be located within Clark Township on Agriculturally zoned parcels of at least 10 acres, or Industrially zoned parcels of at least 5 acres, and are not to be located on any property south of M-134, including within the commercially zoned areas downtown of Cedarville or Hessel.
7. A Microbusiness will be located in a secure building in the described areas and shall be a minimum of 1000 feet from any school property line measuring from the closest accessible point to property lines and using the method of measurement described in 436.1503, Michigan Liquor Control Code of 1998, Act 58 of 1998, excerpt portion of Section 503. (1)
8. The building where the Microbusiness is located can be in an existing building and/or be built on a vacant lot as long as it meets a 100' setback zoning requirements, which overrides any other Township property setback in any zone.
9. The construction materials, style, colors, landscape, height, outside lighting, and general building quality of a Microbusiness shall be submitted to the Zoning Administrator for approval. Guidance for the above can be discussed and determined with a consultation with the Zoning Administrator.
10. A final license shall be approved upon compliance with all sections within this ordinance, a successful vetting process, and a presentation to the Township Board. The presentation shall include final architectural drawings and renderings or prints depicting the appearance of the facility.
11. The presentation shall also include a written three to five-year general business plan and other requirements so written and made available through the Zoning Administrator.
12. The Zoning Administrator will issue the final approval within 2 weeks after any and all applicants have had their presentations in front of and approved by the Township Board and has been determined by the Board for the allowable license(s).
13. The building conforms to the rules/regulations enacted by the Marihuana Regulatory Administration and incorporated in the Michigan Regulation and Taxation of Marihuana Act.
14. Both the Township Special Land Use and Michigan Regulation and Taxation of Marihuana Act Operating License application shall be completed in their entirety and submitted prior to any operating license(s) being issued.
15. If approved for a Special Use, and after payment of a fee to be determined by the Township Board, Marihuana Microbusinesses shall be issued an Operating License.
16. The Operating License must be renewed annually through the payment of a fee to be determined by the Township Board and through compliance with the requirements of the State of Michigan and this Ordinance, as demonstrated through an inspection by the Township Building Inspector or his/her designee.
17. The Operating License and State Operating License must be displayed in plain view clearly visible to Township officials and Recreational Marihuana Licensing Board authorized agents.
18. All License Holders shall be subject to periodic inspection and shall make their Facilities available to any and all authorized state and local building inspectors, environmental inspectors, the Township representative, and law enforcement personnel.

SECTION X
ADDITIONAL OPERATIONAL STANDARDS
FOR MARIHUANA CLASS A, B, C GROWERS

1. Class C Growers, indoor and/or outdoor growers licenses, shall stack no more than two (2) licenses. Each "stack" equals two thousand (2000) plants per license, therefore total plants permitted shall not exceed four thousand (4000).
2. Grow operations shall be limited to property owned or leased by the Grower, consisting of not less than forty (40) acres, zoned agriculture land, and not located South of Highway M-134.
3. Grow operations shall construct and/or maintain fencing around all cannabis operations at a height of no less than ten (10) feet, and ensure that the fencing does not permit any visual sight of plants to the public. Grow operations shall also install and maintain 24-hour surveillance via cameras connected to the main server. Grow operations shall comply with all Michigan Marihuana Regulatory Agency Rules and Regulations.
4. Indoor Cannabis grow operation fencing shall be located no closer than four hundred (400) feet from property lines. A site plan of the fence shall be submitted to the Zoning Administrator for approval, modifications, or denial.
5. Outdoor Cannabis grow operation fencing shall be located no closer than 400 feet from property lines, except one side, located on a road which shall be set back at least two hundred (200) feet from that property line. A site plan of the fence shall be submitted to the Zoning Administrator for approval, modifications, or denial.
6. Indoor Grow operations shall be located in a secure building, which meets the setback requirements of this Ordinance, and shall be no less than 1000 feet from any school property line measuring from the closest accessible point to property lines and using the method of measurement described in 436.1503, Michigan Liquor Control Code of 1998, Act 58 of 1998, excerpt portion of Section 503. (1)
10. An applicant must make application to the Township Board in compliance with this ordinance, be subject to an investigative process by the Township, and present to the Township Board final architectural drawings, and renderings or prints depicting the appearance of the site and any facilities, as well as a written three to five-year general business plan and any other requirements that may be established by and made available through the Zoning Administrator.
11. Final approval will be issued by the Zoning Administrator within two (2) weeks after any applicants have presented to and been approved by the Township Board as an allowable license(s).
12. All buildings will conform to the rules/regulations enacted by the Marihuana Regulatory Administration and incorporated in the Michigan Regulation and Taxation of Marihuana Act.
13. Both the Township Special Land Use and Michigan Regulation and Taxation of Marihuana Act Operating License applications shall be completed in their entirety and submitted prior to any operating license(s) being issued.
14. An Operating License shall be issued only after the Special Land Use Permit is approved and payment of any fees (as determined by the Township Board) are paid.
15. The Operating License must be renewed annually through the payment of a fee to be determined by the Township Board and through compliance with the requirements of the State of Michigan and this Ordinance, as demonstrated through an inspection by the Township Building Inspector or his/her designee.
16. The Operating License and State Operating License must be displayed in plain view clearly visible to Township officials and Recreational Marihuana Licensing Board authorized agents.
17. All License Holders shall be subject to periodic inspection and shall make their Facilities available to any and all authorized state and local building inspectors, environmental inspectors, the Township representative(s), and law enforcement personnel.

**SECTION XI
ADDITIONAL OPERATIONAL STANDARDS FOR
MARIHUANA SECURE TRANSPORTERS**

The following standards shall apply to all Marihuana Secure Transporters located within the Township:

1. Marihuana Secure Transporters' establishments, vehicles, and processes must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marihuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.
2. All facilities, vehicles, and processes must be designed to minimize odors emanating from the marihuana plants.
3. All operations must have processes in place to prevent the contamination or pollination of the marihuana during the loading and unloading process.
4. All facilities, vehicles, and processes must have adequate security to prevent access to the marihuana by non-authorized personnel, including unauthorized removal. All marihuana must be stored in hermetically sealed containers prior to transport.

**SECTION XII
ADDITIONAL OPERATIONAL STANDARDS FOR MARIHUANA
PROCESSERS AND SAFETY COMPLIANCE FACILITIES**

The following standards shall apply to all Marihuana Processors and Safety Compliance Facilities located within the Township:

1. All shall be located within the Clark Township Agricultural and Industrial Zones and are not to be located on property within the downtown areas of Cedarville or Hessel.
2. All facilities must maintain a secure, closed, clean environment in the room where marihuana is to be stored, grown, processed, or tested, in order to prevent outside contamination and prevent the inadvertent and/or unauthorized removal of marihuana from the facility. All must provide for employees to ensure the provision of a clean environment. All activities shall be conducted in a secure structure(s) as the Law indicates.
3. All drying, soil mixing, testing, processing, and other non-growing activities must take place in a separate room from any growing activities.
4. Butane and butane type products are acceptable in the use of processing the marihuana plant as long as proper care of disposal is performed by a licensed company that disposes of the used tanks in accordance with acceptable practices by licensed gas disposal companies in Michigan.

**SECTION XIII
LICENSE REQUIRED**

1. No person shall own or operate a recreational marihuana establishment in the Township without first applying for and receiving a license from the Township clerk's office and the state of Michigan.
2. A license is not transferable and shall only apply to the person listed on the license.

3. Licenses shall be valid for a period of one year from the date of issuance and must be renewed annually.
4. Applications to renew a license shall be filed at least thirty (30) days prior to the date of expiration.
5. Licenses shall be displayed at all times, inside the location, in an open and conspicuous place.
6. Zoning approval shall be required prior to the issuance of any license. Zoning approval does not guarantee a license for any proposed facility.
7. Licensed Medical Marihuana patients and/or caregivers authorized by the State of Michigan shall not be required to receive a Recreational Operating License to conduct legal activities within the Township, but must comply with all other applicable Township ordinances, including those governing odor and all applicable State laws.

SECTION XIV INELIGIBILITY TO RECEIVE OPERATING LICENSE

An applicant is ineligible to receive an operating license if any of the following circumstances exists:

1. The applicant has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years;
2. Within the past 5 years, the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or has been found responsible for violating a city or other local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state;
3. The applicant has knowingly submitted an application for a license under this Chapter that contains false information;
4. The applicant fails to meet other criteria established by this Chapter or other rules; or
5. The applicant was denied a license from the MRTMA Board and/or LARA.

SECTION XV APPLICATION FOR OPERATING LICENSE

Every applicant for a permit to operate or conduct a marihuana establishment shall file an application under oath with the Township Clerk's office, or its delegate, upon a form provided by the Township for preliminary review by staff to confirm that the applicant has submitted a complete application. The application shall contain the following information:

1. The name and address of the proposed Marihuana Establishment to be located in the Township, as well as any other contact information requested on the application form;
2. The names and addresses of all owners of the real property where the Marihuana Establishment will be located;
3. Names, street addresses, and other contact information of all Stakeholders of the Marihuana Establishment and, if the applying entity is a sole proprietorship, the corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity, the names, street addresses, and other contact information of all stakeholders, all of whom are considered collectively to be the applicant for the license;
4. Name and address of at least one designated general manager responsible for day-to-day operations;

5. With respect to each person named on the application, a statement of whether the person has:
 - a. Been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name, and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration;
 - b. Been convicted of or released from incarceration for a felony under the laws of any state, or the United States, within the past 10 years or has been convicted of a controlled substance-related felony within the past 10 years;
 - c. Been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud under the laws of any state, or the United States, within the past five years, or has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state, within the past five years;
6. A description of the proposed type of Marihuana Establishment, as well as the anticipated or actual number of employees;
7. Proof of applicant's ownership or legal possession of the premises on which the Marihuana Establishment will operate;
 - a. If the Marihuana Establishment is leasing the premises, an executed copy of the lease for the premises where the Establishment is proposed to be operated;
8. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Township, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that the applicant may incur as a result of the violation by the applicant, its Stakeholders and agents of those laws, rules, and regulations;
9. Payment of a non-refundable application fee, which shall be determined by resolution of the Township Board. Any fees for zoning compliance permits and certificates of occupancy shall be separate from the application fee, but shall be paid pursuant to the same procedures as applied to applications for compliance permits and certificates of occupancy for other uses.
10. The days and hours the Establishment is proposing to be open or in operation;
11. Employment and/or business history of the applicant for the past three years;
12. Whether the applicant has applied for a license from the state; and
13. Any other information that may be requested by the Township Board.

**SECTION XVI
APPLICATION FOR RENEWAL OR AMENDMENT
OF EXISTING OPERATING LICENSE**

Every applicant for a permit to continue operating or conducting a marihuana establishment shall file a renewal of operating license application under oath with the Township Clerk's office upon a form provided by

the Township. Any Marihuana Establishment that amends information its most recent application shall file an Amended Application. The procedure for a renewal or amendment of an existing license shall be done in accordance with an expedited renewal or amended license application process, which will be determined by the Township Board. Requirements for said applications shall be as follows:

1. An application for renewal of an existing Operating license shall be submitted no sooner than 60 days before the existing license expires.
2. If a license renewal application is not submitted by the license expiration date, the license may be renewed within 60 days after its expiration date upon application if notification is received by the Township, payment of the required fees is made by the expiration date, and said applicant has satisfied of all the requirements for the issuance of a new license where changes may have occurred. The licensee may continue to operate during the 60 days after the license expiration date if the license renewal application was submitted prior to the expiration date.
3. An application to amend an existing license to change the location of the Marihuana Establishment shall be submitted no later than 60 days before the existing license expires. An application to amend an existing license to change any other information on the most recent application on file with the Township may be submitted at any time.
4. Applications for renewal or amendment of existing licenses shall be reviewed and granted or denied before applications for new licenses are considered.

SECTION XVII POST-APPLICATION COMPLIANCE

Following official confirmation by the Township Clerk or the delegated Township representative, a new license shall not be issued to a Marihuana Establishment until the license applicant complies with the following:

1. The applicant has a valid and current temporary certificate of occupancy;
2. The applicant has installed adequate security measures on the premises in compliance with Township requirements, as well as additional requirements by LARA under the Michigan Regulation and Taxation of Marihuana Act. The Township requirements consist of the following:
 - a. Security cameras to monitor all area of the licensed premises where persons may gain or attempt to gain access to marihuana or cash. Recordings from security cameras shall be maintained for 30 days.
 - b. A safe or safe room for overnight storage of any processed marihuana and cash on the premises, with the safe or safe room being incorporated into the building structure or securely attached thereto.
 - c. A continuous and perpetual monitored alarm system.
 - d. Secured, lockable fencing, which must be at least 10 feet tall, surrounding any greenhouse structure(s).
 - e. A security system that includes a method for checking all employees for illegal possession and or removal of the marihuana products(s) prior to the operating work shift, upon the end of a working shift, and before leaving the facility.
3. The applicant has paid the non-refundable Operating license fee, as determined by resolution of the Township Board. Inspection fees shall be separate from the license fee but shall be the same amount and shall be paid pursuant to the same procedures that apply to inspections for other uses.
4. Applicant has scheduled a final inspection with the Township Clerk, or the delegated Township representative, to ensure that said applicant has complied with license requirements. Said inspection

shall occur within eight weeks after the date of the Township staff's official confirmation that the application for a license was complete. If it is determined that not all incense requirements are satisfied, then the applicant shall schedule another inspection, which shall occur within 30 calendar days. If, after the second inspection, all requirements are not complete, then the license shall be denied.

**SECTION XVIII
LICENSE REVOCATION**

A permit issued in this ordinance may be suspended or revoked for any of the following violations:

1. Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this ordinance.
2. A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the Township with any other false or misleading information related to the marihuana establishment.
3. Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application.
4. Marihuana is dispensed on the business premises in violation of this ordinance or any other applicable state or local law, rule, or regulation.
5. The Establishment is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the Township or any other applicable state or local law, rule or regulation.
6. Failure or refusal to pay the Annual Operator's License Fee.
7. The Township, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this ordinance or other applicable state or local laws related to public health and safety.
8. The establishment is determined by the Township to have become a public nuisance.
9. The establishment's state operating license has been suspended or revoked.

**SECTION XIX
FEES**

Every applicant shall pay a non-refundable fee for an Operating License, as follows:

<u>Type of Establishment:</u>	<u>Fee Required:</u>
Marihuana Microbusiness:	\$1,500.00
• Designated Consumption Establishment	\$1,500.00
• Temporary Event	\$ 250.00
• Event Organizer	\$1,000.00
Marihuana Retailer	\$5,000.00

Class A, B, C Growers Licenses	\$5,000.00
Class C License Stacking	\$5,000.00
Marihuana Processor:	\$5,000.00
Safety Compliance Facility:	\$5,000.00
Secure Transporter:	\$5,000.00

Additionally, all Marihuana Establishments shall pay an annual, non-refundable fee for annual Establishment inspections and Operating License Renewals in an amount of up to \$5,000.00.

Fees include the costs associated with the following:

1. Administration of the licensing with the Clerk;
2. Verification of the background check procedure with the State of Michigan (LARA);
3. Compliance with this Ordinance;
4. Periodical checks of the premises to ensure compliance and security measures adherence;
5. Review with the facility and license holder from time to time to encourage a cooperative business relationship arrangement with the Township;
6. Continual review of any new laws, regulations, or changes in existing laws, as set by LARA and the Michigan Regulation and Taxation of Marihuana Act; and
7. Costs for the Township Representative, as provided within an agreement implemented for the overview and management of this Ordinance.

Applications to renew a license shall be filed at least thirty (30) days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by an annual license fee at the same rates as named above for a new license, per licensed facility.

The Township Board reserves the right to amend said fee amounts in compliance thresholds set in Michigan Regulation and Taxation of Marihuana Act, as amended.

SECTION XX LOCATION OF MARIHUANA ESTABLISHMENTS

All permitted Marihuana Establishments shall only operate and be located within the permitted areas as provided for in the Zoning Ordinance.

**SECTION XXI
TOWNSHIP'S RESPONSIBILITY**

The Township Clerk shall provide the following information to the state licensing board 1) within ninety (90) days after the municipality receives notification from the applicant that he or she has applied for a license under this act and 2) within thirty (30) days after Operating License approval within the municipality:

1. A copy of the local ordinance that authorizes the marihuana facility.
2. A copy of any zoning regulations that apply to the proposed marihuana facility within the municipality.
3. A description of any violation of the local ordinance or zoning regulations included under subdivision (a) or (b) committed by the applicant, but only if those violations relate to activities licensed under the Michigan Regulation and Taxation of Marihuana Act.

The municipality's failure to provide information to the board shall not be used against the applicant.

Information a municipality obtains from an applicant related to licensure under this section is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

**SECTION XXII
VIOLATIONS AND PENALTIES**

1. No person shall operate a marihuana establishment for which an annual permit is required under this ordinance when the permit has not been issued.
2. A person who is found to be in violation of this ordinance shall be responsible for a civil infraction and shall be subject to a fine of up to, but not more than, \$500.00. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

**SECTION XXIII
SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION XXIV
EFFECTIVE DATE**

This amended ordinance shall take effect July 19, 2021.

Susan F. Rutledge, Township of Clark Clerk
Susan Rutledge, Township of Clark Clerk



