

# 2020-01

**ORDINANCE GOVERNING MARIHUANA ESTABLISHMENTS  
AND MEDICAL MARIHUANA FACILITIES**

An ordinance to authorize the operation of and provide regulations for marihuana establishments in Scipio Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as may be amended; to authorize the operation of and provide regulations for medical marihuana facilities in Scipio Township pursuant to the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, as may be amended; to provide for an annual fee for the issuance of licenses for marihuana establishments and medical marihuana facilities; to provide penalties for violation of this ordinance; to repeal all ordinances or parts of ordinances in conflict herewith; and to provide an effective date.

**SECTION I**  
**TITLE**

This ordinance shall be known as and may be cited as the Scipio Township Marihuana Establishments and Medical Marihuana Facilities Ordinance.

**SECTION II**  
**PURPOSE AND DEFINITIONS**

1. It is the intent of this ordinance to authorize the establishment of certain types of marihuana establishments and medical marihuana facilities in Scipio Township as permitted by the Michigan Regulation and Taxation of Marihuana Act and the Medical Marihuana Facilities Licensing Act, and to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; and to mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marihuana establishments and medical marihuana facilities in the Township through imposition of an annual fee of not more than \$5,000.00 on each marihuana establishment and medical marihuana facility licensee. Authority for the enactment of the provisions of this ordinance is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq*, and in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq*.

a) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.257591, *et seq*; the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, *et seq*; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq*; the Marihuana Tracking Act, MCL 333.27901, *et seq*; and all other applicable rules or regulations promulgated by the State of Michigan.

b) As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 USC § 801, *et seq*, which makes it unlawful to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law.

c) This ordinance shall not limit an individual or entity's rights under the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, or the Medical Marihuana Facilities Licensing Act. The provisions of the Michigan Regulation and Taxation of Marihuana Act, the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Marihuana Tracking Act shall supersede the provisions of this ordinance to the extent there is a conflict between the provisions of this ordinance and the provisions of the Acts.

d) Any activity that a licensee is authorized to perform pursuant to this ordinance that was conducted either prior to the enactment of this ordinance, or that is conducted after the enactment of this ordinance but without obtaining the required licensing provided for in this ordinance, shall be deemed to be an unauthorized and illegal use and therefore not entitled to legal nonconforming use status under any applicable provisions of Township ordinance.

2. For purposes of this ordinance;

a) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, *et seq*, shall have the definition given in the Regulation and Taxation of Marihuana Act, and any amendments thereto.

b) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421, *et seq*, shall have the definition given in the Medical Marihuana Act, and any amendments thereto.

c) Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq*, shall have the definition given in the Medical Marihuana Facilities Licensing Act, and any amendments thereto.

d) Any term defined by the Marihuana Tracking Act, MCL 333.27901, *et seq*, shall have the definition given in the Marihuana Tracking Act, and any amendments thereto.

**SECTION III**  
**AUTHORIZED MARIHUANA ESTABLISHMENTS**  
**AND MEDICAL MARIHUANA FACILITIES**

1. The following number and types of marihuana establishments may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the Michigan Regulation and Taxation of Marihuana Act, as may be amended, the Rules promulgated thereunder, and this ordinance:

a) The number of marihuana growers authorized in the Township shall be limited as follows:

1). Not more than 3 (three) Class A growers (100 marihuana plants) may be authorized in the Township.

2). Not more than 3 (three) Class B growers (500 marihuana plants) may be authorized in the Township.

3). Not more than 3 (three) Class C growers (2,000 marihuana plants) may be authorized in the Township.

b) Not more than 3 (three) marihuana processors shall be authorized in the Township.

c) Not more than 2 (two) marihuana retailers shall be authorized in the Township.

d) Not more than 2 (two) marihuana safety compliance facilities shall be authorized in the Township.

e) Not more than 2 (two) marihuana secure transporter(s) shall be authorized in the Township.

- f) Not more than 2 (two) marihuana microbusinesses shall be authorized in the Township.
- g) No designated consumption establishment licenses shall be approved by the Township.
- h) No marihuana event organizer licenses shall be approved by the Township.

2. The following number and types of medical marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as may be amended, the Rules promulgated thereunder, and this ordinance:

- a) The number of marihuana growers authorized in the Township shall be limited as follows:
  - 1). Not more than 3 (three) Class A growers (500 marihuana plants) may be authorized in the Township.
  - 2). Not more than 3 (three) Class B growers (1,000 marihuana plants) may be authorized in the Township.
  - 3). Not more than 3 (three) Class C growers (1,500 marihuana plants) may be authorized in the Township.
- b) Not more than 3 (three) processors shall be authorized in the Township.
- c) Not more than 2 (two) provisioning centers shall be authorized in the Township.
- d) Not more than 2 (two) safety compliance facilities shall be authorized in the Township.
- e) Not more than 2 (two) secure transporters shall be authorized in the Township.

3. At least every five years after adoption of this ordinance, the Township Board shall review the maximum number of each type of marihuana establishment and medical marihuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Township Board.

4. On and after the effective date of this ordinance, the Township shall accept applications for licenses to operate a marihuana establishment or a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or another designee authorized by the Township Board (hereinafter referred to as the "Clerk"). In order for the application to be eligible for review under this ordinance, the applicant must submit with the application proof that the applicant has applied for and received prequalification from the State of Michigan for a state operating license. Once the Clerk receives a complete application including the initial annual marihuana establishment or medical marihuana facility licensing fee, the application shall be time and date stamped. If at the time of application a license is available for the type of marihuana establishment or medical marihuana facility referenced in the application, then the completed application shall be considered for authorization as provided in this ordinance. Upon the consideration and approval of the application by the Township Board as provided in this ordinance, the applicant shall receive a conditional license to operate such marihuana establishment or medical marihuana facility within the Township. If at the time an application is submitted for a type of marihuana establishment or medical marihuana facility as to which no licenses are currently available pursuant to this ordinance, the completed application shall be

held for future consideration, in the event a license for the type of marihuana establishment or medical marihuana facility that is the subject of the application becomes available. Any such application waiting for future consideration and authorization may be withdrawn by the submission of a written notice to the Clerk at any time, and upon the submission of such written notice the applicant shall receive a refund of the initial annual marihuana establishment or medical marihuana facility licensing fee submitted with the application.

5. A conditional license means only that the applicant has submitted a valid application for a marihuana establishment or a medical marihuana facility license that has been considered and approved by the Township Board, and the applicant shall not locate or operate a marihuana establishment or medical marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of Scipio Township. A conditional license will lapse and be void if such permits and approvals are not diligently pursued to completion.

6. Within thirty days from the issuance of a conditional license from the Township, the conditionally licensed applicant must submit proof to the Clerk that the applicant has submitted a full application to the State of Michigan for the issuance of a state operating license. If the applicant fails to submit such proof, then such conditional license shall be canceled by the Clerk and the conditional license shall be available to the next applicant in consecutive time and date-stamped order as provided for in subsection 4 above.

7. If a conditionally licensed applicant is denied on full application for a state operating license, then such conditional authorization will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date-stamped order as provided for in subsection 4 above.

8. A conditionally licensed applicant shall receive a full license from the Township to operate the marihuana establishment or medical marihuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the marihuana establishment or medical marihuana facility in the Township and the applicant has met all other requirements of this ordinance for operation.

9. If a conditionally licensed applicant fails to obtain a full license from the Township within one year from the date of conditional licensing, then such conditional license shall be canceled by the Clerk and the conditional license shall be available to the next applicant in consecutive time and date-stamped order as provided for in subsection 4 above. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

**SECTION IV**  
**GENERAL REGULATIONS REGARDING AUTHORIZED**  
**MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES**

1. No person shall operate a marihuana establishment or medical marihuana facility in the Township without a valid marihuana establishment license or a valid medical marihuana facility license issued by the Township pursuant to the provisions of this ordinance.

2. An authorized marihuana establishment shall only be operated within the Township by the holder of a state operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act, as may be amended, and the Rules promulgated thereunder. The marihuana establishment shall only be operated as long as the state operating license remains in effect.

3. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The medical marihuana facility shall only be operated as long as the state operating license remains in effect.
4. Prior to operating an authorized marihuana establishment or medical marihuana facility within the Township pursuant to a state operating license, the establishment must comply with all Scipio Township and Hillsdale County construction and building ordinances, all other Scipio Township ordinances specifically regulating marihuana establishments and medical marihuana facilities, and generally applicable Scipio Township police power ordinances. The marihuana establishment or medical marihuana facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
5. An authorized marihuana establishment or medical marihuana facility shall consent to inspection of the establishment or facility by Township officials upon reasonable notice, to verify compliance with this ordinance.
6. If at any time a licensed marihuana establishment or medical marihuana facility violates this ordinance, the Township Board may request that the state revoke or refrain from renewing the establishment or facility's state operating license. Once such state operating license is revoked or fails to be renewed, the Clerk shall cancel the Township license and the license shall be available to the next applicant in consecutive time and date-stamped order as provided for in Section III, subsection 4, above.
7. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any licensed marihuana establishment or medical marihuana facility a vested right, license, privilege, or permit to continued authorization from the Township for operations within the Township.
8. A marihuana establishment license or medical marihuana facility license issued under this ordinance is not transferrable or assignable, except as follows:
  - a) A licensee may transfer a license issued under this ordinance to a different location upon receiving written approval from the Township Board. In order to request approval to transfer a license location, the licensee must submit a written request to the Clerk indicating the current license location and the proposed license location. Upon receiving the written request, the Clerk shall refer the written request to the Township Board for consideration. No license transfer shall be approved unless the proposed license location meets the requirements of this ordinance.
  - b) A licensee may transfer a license issued under this ordinance to a different individual or entity upon receiving written approval from the Township Board. In order to request approval to transfer a license to a different individual or entity, the licensee must submit a written request to the Clerk, indicating the current licensee and the proposed licensee, including a fully completed application for the proposed transferee of the license. Upon receiving the written request, the Clerk shall treat the request as a new application for a license in the name of the transferee, and the procedures set forth in this ordinance and the applicable statutes and regulations shall be followed with regard to the consideration and approval of the request.
9. The Township expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized marihuana establishments and/or medical marihuana facilities authorized to operate within the Township.

**SECTION V**  
**MARIHUANA ESTABLISHMENT FEE, MEDICAL MARIHUANA**

## FACILITY FEE, AND LICENSE RENEWAL

1. There is hereby established an initial nonrefundable Township marihuana establishment fee and medical marihuana facility fee in the amount of \$4,000 for each application submitted for a marihuana establishment license or a medical marihuana facility license within the Township, to help defray administrative and enforcement costs associated therewith. In the event that a license is granted, the licensee shall thereafter pay an annual marihuana establishment fee or medical marihuana facility fee of \$3,500 for each such license, payable each year upon the renewal of the license as provided in this ordinance, said fee to help defray administrative and enforcement costs associated therewith.

2. A marihuana establishment license or medical marihuana facility license issued under this ordinance shall be valid for one year from the date of issuance of full authorization by the Township, unless earlier revoked as provided by law.

3. A valid marihuana establishment license or medical marihuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the Township and payment of the annual marihuana establishment fee or medical marihuana facility fee provided for in subsection 1, above. The application to renew the license shall be filed at least thirty (30) days prior to the date of its expiration.

4. Applications for a marihuana establishment license or a medical marihuana facility license under this ordinance shall be subject to the following:

a) After submission to the Clerk of a fully completed initial application for the issuance of a new license, the application shall be reviewed and evaluated by the Township Board which shall thereafter either approve or reject the application. Approval of the application by the Township Board shall result in a conditional authorization in favor of the applicant, pursuant to Section III of this ordinance. Upon the submission to the Clerk of a fully completed application for the renewal of an existing marihuana establishment or medical marihuana facility license, the license will be submitted to and automatically renewed by the Township Board for one (1) year upon verification that:

- 1). there are no uncured administrative violations in the prior year;
- 2). the applicant has paid the annual licensing fee for the renewal period;
- 3). any Stakeholder changes have been fully disclosed to the Township;
- 4). the applicant has paid for and received the renewal of its state license; and
- 5). at the time of renewal the licensed marihuana establishment or medical marihuana facility is in material compliance with all applicable state and local statutes, ordinances, codes, and regulations.

b) An application for a marihuana establishment or medical marihuana facility license pursuant to this ordinance shall contain the following:

- 1). The required application fee;

- 2). If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government-issued photo identification, email address, and one or more phone numbers, including emergency contact information;
- 3). If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers for each partner/shareholder/member or other individual with an ownership or equity interest in the applicant organization (each being a "Stakeholder"), including designation of the highest ranking Stakeholder as an emergency contact person along with emergency contact information for the emergency contact person. The organization shall also provide copies of its formation documents (including, but not limited to, its articles of association/organization, partnership agreement, corporate by-laws, operating agreement, etc.), any assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, or such other documents relating to the ownership, management, structure, and operation of the organization as may be deemed relevant to the application in the Township's reasonable discretion.
- 4). The name and address of the proposed marihuana establishment or medical marihuana facility and any additional contact information deemed necessary by the Clerk;
- 5). For an individual applicant, or for each Stakeholder of an organizational applicant, an affirmation under oath as to whether they are at least twenty-one (21) years of age and have never been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged, any criminal offense under the laws of any jurisdiction for either a felony involving a controlled substance or a related misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise (a "Disclosable Event"). For any such Disclosable Event, the applicant shall include: the date of the event; the name and location of the court, arresting agency, and prosecuting agency; the case caption, docket number, citation number, or file number, if any; the nature of the offense; and the disposition, including the location and length of any incarceration;
- 6). A signed release authorizing Scipio Township to perform a criminal background check on the applicant, each Stakeholder of the applicant, and each employee of the applicant;
- 7). The name, date of birth, physical address, copy of photo identification, and email address for any current or prospective employee of the proposed marihuana establishment, if other than the applicant or a Stakeholder;
- 8). An affirmation under oath as to whether 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;
- 9). One of the following: (a) proof of ownership of the entire premises wherein the proposed marihuana establishment is to be operated; or (b) written consent from the

property owner for use of the premises in a manner requiring licensure under this ordinance along with a copy of the lease for the premises;

10). A description of the security plan for the marihuana establishment, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the establishment and premises. The security plan must contain the specification details of each piece of security equipment;

11). A floor plan of the proposed marihuana establishment, as well as a scale diagram illustrating the property upon which the marihuana establishment is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;

12). An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the Township. The affidavit shall specifically state that the individual applicant or each Stakeholder of an organizational applicant has not failed to pay any property taxes, special assessments, fines, fees, or other financial obligations owed to the Township;

13). An affidavit that the transfer of marihuana to and from the proposed marihuana establishment or facility shall be in compliance with the Michigan Regulation and Taxation of Marihuana Act or the Medical Marihuana Facilities Licensing Act, as applicable, and all other applicable state and local statutes, ordinances, codes, rules, and regulations;

14). A staffing plan for the proposed marihuana establishment or medical marihuana facility;

15). Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana establishment or medical marihuana facility;

16). A patient education plan if the application is for a medical marihuana provisioning center license;

17). A business plan for the proposed marihuana establishment or medical marihuana facility;

18). A location area map of the proposed marihuana establishment or medical marihuana facility and the surrounding area that identifies the relative locations and the distances (closest property line to the subject marihuana establishment or medical marihuana facility's building) of the proposed marihuana establishment or medical marihuana facility to the closest real property comprising a public or private elementary, vocational, or secondary school, or library;

19). A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction into any sewerage or septic system is prohibited;

20). Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the marihuana



establishment or medical marihuana facility, but in no event less than the amount required by the State of Michigan for the issuance of a state marihuana establishment or medical marihuana facility license;

21). Copies of any liability and casualty insurance obtained by the applicant with regard to the operation of the proposed marihuana establishment or medical marihuana facility;

22). If the application is for a grower establishment or facility, the following additional items shall be provided:

i. A grower plan that includes at a minimum a description of the grower methods to be used, including plans for the growing mediums, treatments and/or additives;

ii. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;

iii. An affidavit that all operations will be conducted in conformance with the Michigan Regulation and Taxation of Marihuana Act or Medical Marihuana Facilities Licensing Act, as applicable, and all other applicable state and local statutes, ordinances, codes, rules, and regulations, and that the applicant shall not cultivate on the premises of the proposed grower establishment at any one time more than the permitted number of marihuana plants for the class of establishment licensed; and

iv. A chemical and pesticide storage plan that states the names of pesticides and chemicals to be used in the growing operations and where and how any such pesticides and chemicals will be stored in the establishment or facility, along with a plan for the disposal of any unused pesticides and chemicals.

c) No application for an initial marihuana establishment or medical marihuana facility license shall be approved unless:

1). An individual applicant, or each Stakeholder of an organizational applicant, and all employees of the applicant, have passed a criminal background check;

2). The Township Treasurer has confirmed that the applicant and each Stakeholder of the applicant are not in default to the Township; and

3). The Township Supervisor or his designee has completed a detailed review of the application for compliance with the applicable state laws and Township ordinances.

d) If an applicant for a new or renewal license becomes aware of a material change in any information provided in an application, the applicant shall report the change in the information to the Clerk within ten (10) days of becoming aware of the change.

5. Applications for a license for a marihuana establishment or a medical marihuana facility pursuant to this ordinance shall be evaluated consistent with the following:

a) Each application shall be reviewed and assessed with regard to each of the following categories:

- 1). The applicant's experience in operating other similarly-licensed businesses.
- 2). The applicant's general business management experience.
- 3). The applicant's general business reputation.
- 4). The applicant or Stakeholders' integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a marihuana establishment or medical marihuana facility.
- 5). The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
- 6). The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana establishment or medical marihuana facility.
- 7). Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed on appeal or otherwise.
- 8). Past convictions of the applicant or any Stakeholder involving any of the following, but not necessarily limited to:
  - i. gambling;
  - ii. prostitution;
  - iii. weapons;
  - iv. violence;
  - v. tax evasion;
  - vi. fraudulent activity; and
  - vii. serious moral turpitude.
- 9). A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner;
- 10). Whether the applicant or any Stakeholder has filed, or had filed against it, a proceeding for bankruptcy or insolvency within the past seven (7) years;
- 11). Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state or local law that has been delinquent for one (1) or more years;

12). Whether the applicant has a history of noncompliance with any regulatory requirements in this State or any other jurisdiction;

13). As it relates to operation of a proposed marihuana retail establishment or medical marihuana provisioning center, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed retail establishment or provisioning center.

b) The Township Board shall assess each application with regard to the criteria provided for in this ordinance and approve the issuance of a license to an applicant it believes is properly qualified. In the event that applications are received for a type of facility that exceed the total number of licenses available under this ordinance or under applicable state law for that type of facility, the Township Board will assess each application and approve the issuance of a license to the applicant(s) that it deems to be the most qualified of the competing applicants pursuant to the criteria set forth in this ordinance.

#### **SECTION VI**

#### **OPERATIONAL STANDARDS FOR MARIHUANA RETAILERS, MARIHUANA MICROBUSINESSES, AND MEDICAL MARIHUANA PROVISIONING CENTERS**

1. All licensed marihuana establishments and medical marihuana facilities must comply with the following minimum requirements:

a) Maintain a minimum setback of 1,000 feet from the property of any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, or of any church or religious institution whose property has been determined to be exempt from property tax assessment by the applicable taxing authority.

b) Maintain a satisfactory exterior lighting system.

c) Maintain a satisfactory building security system.

d) Maintain satisfactory on-site security.

e) Maintain an off-site official contact list that is current at all times.

f) Provide, post, and maintain established hours of operation as approved by the Township.

g) Maintain appropriate signage approved by the Township and not otherwise inconsistent with state or local laws or regulations. The symbol or image of a marihuana leaf shall not be utilized in any exterior building signage.

h) Provide for and permit a comprehensive fire and security inspection of the licensed premises by the Township, on no less than an annual basis.

i) Adopt a security plan approved by the Township.

j) Securely store all waste and by-products in a locked and enclosed space or as otherwise required by applicable law.

k) Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with applicable law.

l) Co-location and stacking of marihuana establishment licenses and medical marihuana facility licenses shall be permitted consistent with applicable law.

m) The premises shall be open at all times to: any designated representatives of the Township; investigators, agents, auditors, or any other designated representatives of the Michigan Marihuana Regulatory Agency; and to any state or local law enforcement agency; all without a warrant and without notice to the licensee; for the following purposes:

1). To inspect and examine all portions of the licensed premises;

2). To inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of its officers, agents, or employees 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;

3). To inspect and examine the personal effects of any licensee or any of its officers, agents, or employees present on the licensed premises; and

4) To investigate alleged violations of the Michigan Regulation and Taxation of Marihuana Act, the Medical Marihuana Facilities Licensing Act, the terms or conditions of any state or local license issued to the licensee, or any other applicable state laws relating to the operation of the licensed premises.

n) The licensed premises shall not be operated in a manner creating noise, dust, vibration, glare, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail operations are conducted. Specifically, odor must be managed by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.

o) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed and so as to minimize the development of odor and to minimize the potential for waste to become an attractant, harborage, or breeding place for pests, and there shall be adequate screening or other protection against the entry of pests.

p) The premises shall be free from infestation by insects, rodents, birds, or vermin of any kind.

q) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

r) The license required by this ordinance shall be prominently displayed on the premises.

2. In addition to all other applicable requirements for the operation of a licensed premises, the following minimum standards shall apply to the retail operations of marihuana retailers, marihuana microbusinesses, and medical marihuana provisioning centers:

- a) No retail activities shall be conducted between the hours of 11:00 p.m. and 7:00 a.m.
- b) Consumption of Marihuana shall be prohibited on the premises of a marihuana retailer, marihuana microbusiness, or medical marihuana provisioning center, and a sign shall be posted on the premises of each such premises indicating that consumption is prohibited on the premises.
- c) The licensee shall continuously monitor the entire premises on which retail activities are conducted with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of fourteen (14) days, and shall be provided to the Township Supervisor or his designee upon request.
- d) Unless otherwise permitted by applicable state law, public or common areas of the premises must be separated from restricted or non-public areas of the premises by a permanent barrier. Unless otherwise permitted by applicable state law, no marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.
- e) All Marihuana storage areas within the premises must be separated from any customer/patient areas by a permanent barrier. Unless otherwise permitted by applicable state law, no marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Marihuana may be displayed in a sales area only if permitted by applicable law.
- f) Any usable marihuana remaining on the premises while the premises is not open for business shall be secured in a safe permanently affixed to the premises.
- g) A drive-through window or other drive-through services shall not be permitted on the premises.
- h) The licensee shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
- i) The premises shall not be operated in a manner creating noise, dust, vibration, glare, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail operations are conducted. Specifically, odor must be managed by the installation of a suitable operable filtration system connected to appropriate ventilation and exhaust equipment, and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
- j) All marihuana and marihuana infused products shall be packaged and labeled as required by applicable law.
- k) No advertising material may be utilized that is misleading, deceptive, or false, or that is designed to appeal to minors.
- l) Certified laboratory testing results that meet applicable legal standards must be made available to all patients/customers upon request.

3. In addition to all other applicable requirements for the operation of a licensed premises, the following minimum standards shall apply to the operations of all marihuana growers:

- a) For an establishment or facility using artificial light for nighttime growing periods, a plan satisfactorily demonstrating that the licensee can contain all artificial light within the interior space of the establishment or facility.
  - b) Security surveillance cameras shall be installed to monitor all entrances and all portions of the interior and exterior of the premises, as well as robbery, burglary, and fire alarm systems which are professionally monitored and operated 24 hours a day, 7 days week.
  - c) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the licensed premises in which electrical wiring, lighting, and/or watering devices that support the growing or harvesting of marihuana are located.
  - d) Exterior signage or advertising identifying the premises as a grower establishment or facility is prohibited.
4. In addition to all other applicable requirements for the operation of a licensed premises, the following minimum standards shall apply to the operations of all marihuana processors:
- a) Consumption and/or use of marihuana on the premises is prohibited.
  - b) All activities on the premises shall be conducted indoors.
  - c) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devices that support the processing of marihuana are located.
  - d) No products other than usable marihuana intended for human consumption shall be produced on the premises.
  - e) Exterior signage or advertising identifying the premises as a marihuana processor establishment or facility is prohibited.
5. In addition to all other applicable requirements for the operation of a licensed premises, the following minimum standards shall apply to the operations of all safety compliance facilities:
- a) Consumption and/or use of marihuana on the premises is prohibited.
  - b) There shall be no other accessory uses permitted on the premises other than those associated with testing marihuana.
  - c) Exterior signage or advertising identifying the premises as a marihuana safety compliance facility is prohibited.

## **SECTION VII** **VIOLATIONS AND PENALTIES**

1. Any person who disobeys, neglects, or refuses to comply with any provision of this ordinance or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of the provisions of this ordinance relating to marihuana establishments under the Michigan Regulation and Taxation of Marihuana Act shall be a civil infraction, for which the punishment for a first violation shall be a fine of not less than \$100.00 and not more than \$500.00, in the discretion of

the court. The punishment for a second or subsequent violation shall be a fine of not less than \$250.00 and not more than \$500.00, in the discretion of the court. For purposes of this section, "second or subsequent violation" means a violation of the provisions of this ordinance relating to marihuana establishments under the Michigan Regulation and Taxation of Marihuana Act committed by the same person within 12 (twelve) months of a previous violation of the same provision of this ordinance for which said person pled or was adjudicated guilty. The foregoing penalties shall be in addition to the rights of the Township to proceed at law or in equity with other appropriate and proper remedies.

3. A violation of the provisions of this ordinance relating to medical marihuana facilities under the Medical Marihuana Facilities Licensing Act shall be a misdemeanor, for which the punishment for a first violation shall be a fine of not less than \$100.00 and not more than \$500.00, or imprisonment not to exceed 90 days, or both, in the discretion of the court. The punishment for a second or subsequent violation shall be a fine of not less than \$250.00 and not more than \$500.00, or imprisonment not to exceed 90 days, or both, in the discretion of the court. For purposes of this section, "second or subsequent violation" means a violation of the provisions of this ordinance relating to medical marihuana facilities under the Medical Marihuana Facilities Licensing Act committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person pled or was adjudicated guilty. The foregoing penalties shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies.

4. Each day during which any violation continues shall be deemed a separate offense.

5. 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.

6. This ordinance shall be administered and enforced by the Township Supervisor or by such other person(s) as designated by the Township Board from time to time.

#### **SECTION VII** **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. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana establishments or medical marihuana facilities pursuant to the Michigan Regulation and Taxation of Marihuana Act or the Medical Marihuana Facilities Licensing Act, as the same may be amended.

#### **SECTION IX** **REPEALER**

The provisions of Scipio Township Ordinance No. 2019-01, which provides for the prohibition of recreational marihuana establishments within the Township, is hereby repealed in its entirety.

#### **SECTION X** **SAVINGS CLAUSE**

A prosecution that is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and

which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.



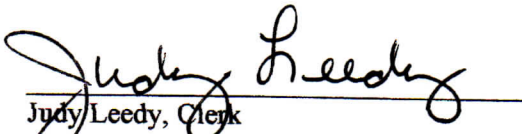
**SECTION XI**  
**EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days from the date of its publication in a newspaper which regularly circulates in Scipio Township.

The foregoing Ordinance was duly adopted at a regular meeting of the Scipio Township Board held on the 9<sup>th</sup> day of November, 2020.

  
Harold Spencer, Supervisor

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Scipio Township Board held on Nov 9, 2020, 2020. Public notice of the meeting was given as provided by law.

  
Judy Leedy, Clerk

Effective date: Jan 4, 2021, 2020  
(Published in the Hillsdale Daily News on Dec 5, 2020, 2020)