

Medical Marihuana Act (MMFLA)

Ord. No. 2019-05 effective: 11-21-19 & 01-20-2020 (Revised) & 02/17/2020 (Revised)

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF
MEDICAL MARIHUANA FACILITIES.

SECTION 1.1 PURPOSE

It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities in Warren Township and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and 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 a marijuana facility in the Township through imposition of an annual, nonrefundable fee on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

SECTION 1.2 DEFINITION

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended

SECTION 1.3 AUTHORIZATION OF FACILITIES

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

| <u>Facility</u> | <u>Number</u> |
|----------------------------|---------------|
| Grower (allow stacking?) | No |
| Class A (500 plants) | 01 |
| Class B (1,000 plants) | 01 |
| Class C (1,500 plants) | 01 |
| Processor | 01 |
| Secure Transporter | 01 |
| Previsioning Center | 01 |
| Safety Compliance Facility | 01 |

The Township Board may review and amend these numbers by resolution annually or as it determines to be advisable.

SECTION 1.4 ANNUAL FEE

1. A nonrefundable initial application fee of \$5,000.00 shall be paid, at the time of application, by each marijuana facility licensed under this ordinance.
2. A valid marijuana facility license must be renewed on an annual basis. Application to renew a marijuana facility license shall be filed at least thirty (30) days prior to the date

of its expiration. This annual renewal fee (\$5,000.00) shall be payable each year by the anniversary of the date of issuance to operate the medical marijuana facility in Warren Township.

SECTION 1.5 REQUIREMENTS AND PROCEDURES FOR LICENSING

1. No person shall operate a marijuana facility in Warren Township without a valid marijuana facility license issued by the Township pursuant to the provisions of this ordinance.
2. Every applicant for a license to operate a marijuana facility shall file an application with the Township Clerk. The application shall contain the following information:
 - a. The name, address, business address, business telephone number, and, if applicable, federal tax identification number;
 - b. If the applicant is a business entity, information regarding the entity, including, without limitation, the names and address of the entity, its legal status, and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable;
 - c. The identity of every person having any ownership interest in the applicant with respect to which the license is sought;
 - d. If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marijuana facility;
 - e. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;
 - f. A "to scale" diagram of the proposed licensed premises showing: building layout, all entryways and exists to the proposed licensed premises, loading zones and all areas in which medical marijuana will be stored, grown, manufactured or dispensed. This plan should comply with all applicable zoning ordinance regulations;
 - g. A comprehensive facility operation plan for the marijuana entity which shall contain, at a minimum, the following:
 - i. A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan shall include details of security arrangements and will be protected from disclosure as provided under the Michigan Freedom of Information Act, MCL 15.231 et seq.
 - ii. For grower and processing facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge.
 - iii. A lighting plan showing the lighting outside of the medical marijuana facility for security purposes and compliance with applicable Township requirements.
 - iv. A plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver in a

- manner that protects any portion thereof from being possessed or ingested by any person or animal.
- v. A plan for ventilation of the medical marijuana facility that describes the ventilation systems that will be used to prevent any odor of medical marijuana off the premises of the business. For medical marijuana facilities that grow medical marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marijuana businesses that produce medical marijuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
 - vi. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that would have jurisdiction over the business if it was not a marijuana business, that will be used or kept at the medical marijuana business, the location of such materials, and how such materials will be stored.
 - vii. Proof of insurance. A licensee shall at all times maintain in full force and effect for the duration of the license general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued from a company licensed to do business in Michigan. A licensee shall provide proof of insurance to the Township Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds.
 - viii. A description of the type of marijuana facility and the anticipated or actual number of employees.
 - ix. Any additional information that the Township Clerk or public safety chief reasonably determines to be necessary in connection with the investigation and review of the application.
3. Every applicant for a license to operate a marijuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
 4. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the Township Clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. If approved, the Warren Township shall issue the applicant a provisional license.
 5. A provisional license means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable

ordinances and regulations of the Township. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.

6. Once the applicant has submitted proof of obtaining all other required permits and approvals and payment of the license fee, the Township shall approve or deny the marijuana facility license. The Township shall issue marijuana facility licenses in order of the sequential application number previously assigned.
7. Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility license under this ordinance and continued operation of any marijuana facility.
8. A marijuana facility license issued under this ordinance is not transferable.

SECTION 1.6 SEVERABILITY

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

SECTION 1.7 REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 1.8 EFFECTIVE DATE

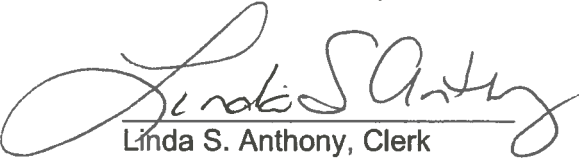
Adopted 11th day or November, 2019.

Yeas 4
Nays 0

Revised Adopted 01/20/2020
Revised Adopted 02/17/2020



Bruce M. Clark, Supervisor



Linda S. Anthony, Clerk