

**Charter Township of Harrison, Michigan  
Ordinance No. 397**

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF PERMITTED MARIHUANA BUSINESSES WITHIN THE TOWNSHIP; TO AMEND CHAPTER 22 OF THE CHARTER TOWNSHIP OF HARRISON, MICHIGAN CODE OF ORDINANCES TO IMPLEMENT THE PROVISIONS THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA INITIATED LAW 1 OF 2018; TO AUTHORIZE AND PROVIDE FOR THE REGULATIONS AND LICENSING OF CERTAIN MEDICAL MARIHUANA BUSINESS WITHIN THE TOWNSHIP ACCORDING TO STATE LAW; TO PROVIDE PENALTIES FOR VIOLATIONS OF ARTICLE III; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.**

**The Charter Township of Harrison hereby ordains:**

Section 1. Chapter 22, Article III of the Charter Township of Harrison Code of Ordinances is hereby amended to read as follows:

Section 22-1. Legislative Intent.

The purpose of this Ordinance is to exercise the police regulatory, and licensing powers of the Charter Township of Harrison by licensing and regulating Grower Facilities and Establishments, Safety Compliance Facilities and Establishments, Processor Facilities and Establishments, and Secure Transporter Facilities and Establishments to the extent permissible under the Michigan Marihuana Facilities Licensing Act (PA 281 of 2016) and the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018) and to protect the public health, safety, and welfare of the residents of the Charter Township of Harrison.

The Township finds that the activities described in this Article are significantly connected to the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. The Township finds that it is necessary to protect the residential neighborhoods by limiting the location and the concentration of the types of Medical Marihuana Facilities and Marihuana Establishments to a specific area within the Township.

It is not the intent of this Article to diminish, reduce, or restrict the rights of a Qualified Patient or Primary Caregiver otherwise authorized by the Michigan Medical Marihuana Act or to prohibit the personal possession and cultivation of marihuana by adults twenty-one (21) years of age or older.

Section 22-2. Definitions, Interpretation and Conflicts.

For the purposes of this Article.

- (A) All activities related to Marihuana, including those related to a Grower Facility and Establishment, Secure Transporter Facility and Establishment, Processor Facility and Establishment, or a Safety Compliance Facility and Establishment, shall be in compliance with the rules, and any amendments thereto, of the Marihuana Regulatory Agency, the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of the Charter Township of Harrison, the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Initiated Law 1 of 2018.
- (B) Any use which purports to have engaged in the cultivation or processing of marihuana into an usable form, or the distribution of marihuana, or the testing of marihuana either prior to or after enactment of this Article, but without obtaining the required licensing set forth in this Article, shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this Article, Code of Ordinances, the Township Zoning Ordinances or state law.
- (C) As of the effective date of this Ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal law, which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under Federal law.
- (D) By accepting a Permit issued pursuant to this Article, the Permit Holder waives and releases the Township, its officers, elected officials and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- (E) By accepting a Permit issued pursuant to this Article, all Permit holders agree to indemnify, defend and hold harmless the Township, its officers, elected officials, employees and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including, but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Permitted operating facility or establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of either a Medical Marihuana Facility or a Marihuana Establishment, or use of a product cultivated, processed, distributed or sold that is subject to the Permit, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c).
- (F) By accepting a Permit issued pursuant to this Article, a Permit holder agrees to indemnify, defend and hold harmless the Township, its officers, elected officials, employees and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of the federal Controlled Substances Act, 21 U.S.C. §801 et seq. or Article 7 of the Michigan Public Health Code, MCL 333.7101 et seq.
- (G) The following terms shall have the definitions given:

“Application” means an application for a Permit under this Ordinance and include all supplemental documentation attached or required to be attached thereto; the person filing the Application shall be known as the “Applicant.”

“Article” means Chapter 22, Article III of the Harrison Township Code of Ordinances.

“Cultivation” or “Cultivate” means (1) all phases of growth of marihuana from seed to harvest, and drying, trimming, and curing; or (2) preparing, packaging or repackaging, labeling or relabeling of any form of marihuana.

“Department” means the Michigan State Department of Licensing and Regulatory Affairs and any successor department or agency within the Department of Licensing and Regulatory Affairs, including the Marihuana Regulatory Agency (“MRA”)

“Township” means the Charter Township of Harrison, Michigan.

“Board or Board of Trustees” means the Board of Trustees for the Charter Township of Harrison, Michigan.

“Equivalent Licenses” means that term as defined in Adult-Use Marijuana Establishment Emergency Rule 1(I), or its successor rule. The license types in the following numbered columns are equivalent:

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Medical (MMFLA)	Grower Facility	Processor Facility	Provisioning Center	Secure Transporter	Safety Compliance Facility
Adult Use (MRTMA) Marihuana Establishment	Marihuana Grower	Marihuana Processor	Marihuana Retailer	Marihuana Secure Transporter	Marihuana Safety Compliance Facility

“Grower” means a licensee that is a commercial entity located in this state that cultivates dries, trims, or cures and packages Marihuana for sale to a Processor or Provisioning Center.

“License” means a current and valid License for a Commercial Medical Marihuana facility or a Marihuana Establishment issued by the State of Michigan.

“Licensee” means a person holding a state operating license under the MMFLA or MRTMA.

“Location” means the particular building or buildings within a Permitted Property on which the Permit Holder will be authorized to conduct the Medical Marihuana Facility(s) or Marihuana Establishment(s) activities pursuant to the Permit.

“Permit Application” refers to the requirements and procedures set forth in Sections 23-6 and 23-7.

“Marihuana” means that termed as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

“Marihuana Business” means a marihuana facility under the MMFLA or a marihuana establishment under the MRTMA, or both.

“MMMA” means the Michigan Medical Marihuana Act, MCL 333.26421 et. seq. as amended from time to time.

“MMFLA” means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et. seq. as amended from time to time.

“MRTMA” means the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27951 et. seq. as amended from time to time.

“Marihuana Establishment” means a location at which a licensee is required to be licensed to operate 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 to operate by the Department pursuant to the MRTMA and this Article.

Marihuana Retailer shall have the same meaning as that term is defined in Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA).

“Medical Marihuana Facility(ies)” means a location at a which a licensee is required to be licensed to operate under the MMFLA and under this Article including a Grower, Processor, Safety Compliance Facility, and Secure Transporter.

“MTA” means the Marihuana Tracking Act, MCL 333.27901 et.seq. as amended from time to time.

“Ordinance” means the ordinance adopting Chapter 22, Article III and amendments thereto.

“Permit” means the formal document of approval issued by the Township under this Ordinance, which shall grant to a Permit Holder the ability to obtain a License(s) for a commercial medical marihuana facility(s) and or a Marihuana Establishment, only for and limited to, a specific Location.

“Permit Holder” means the Person that holds a current and valid Permit issued under this Ordinance.

“Permitted Property” means the real property comprised of a lot, parcel or other designated unit of real property (ie; property address) upon which the Location is situated.

“Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

“Processor” Shall have the same meaning as that term is defined in PA 281 of 2016, LMCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

“Provisioning Center” means a commercial entity that purchases Marihuana from a Grower or Processor and sells, supplies, or provides Marihuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning Center includes any commercial property where Marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department’s Marihuana registration process in accordance with the MMMA is not a Provisioning Center for the purposes of this Ordinance.

“Safety Compliance Facility” shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

“Secure Transporter” shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

“Stacked License” means more than one (1) marihuana license issued to a single licensee to operate as a class C grower as specified in each license at a marihuana business under the MMFLA or MRTMA or both.

“Stakeholder” means, with respect to a trust, the beneficiaries, with respect to a limited liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

“State” means the State of Michigan.

“Township” shall mean the Charter Township of Harrison.

(H) Any term defined by the MMMA, the Medical Marihuana Facilities Licensing Act or the MRTMA and not defined in this Article shall have the definition given in the MMMA, the Medical Marihuana Facilities Act or the MRTMA.

Section 22-3(a). Locations Authorized

- (1) The Township shall limit the number of Locations upon which Marihuana Businesses are hereby authorized for Permits under this Ordinance to the following:
- |    |                              |   |
|----|------------------------------|---|
| a. | Grower/Processor:            | 18 Locations at which<br>Grower Class A, B, or C<br>may operate and Processor(s)<br>may locate or co-locate and hold<br>Equivalent Licenses |
| b. | Safety Compliance Facilities | 2 Locations   |
| c. | Secure Transporters          | 2 Locations   |
| d. | Provisioning/Retail          | (0)   |

The Township Board may review and amend these numbers by Resolution as it determines to be advisable and in the best interest of the Township.

- (2) A Grower and a Processor may co-locate at the same Location.
- (3) A Grower that has been issued a Class C License and has applied to stack License(s) at a Location shall apply for and obtain a separate Permit from the Township for each License stacked at a Location.
- (4) This Ordinance does not apply to, regulate or prohibit any protected patient or caregiver conduct pursuant to MMMA.
- (5) The Township shall not authorize Provisioning Facilities within the Township.

Section 22-3(b) Prohibition of Certain Marihuana Establishments

The Charter Township of Harrison hereby prohibits retail marihuana establishments from operating within the boundaries of the Township pursuant to Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA) including any marihuana delivery business as set forth in the Departments rules. In addition, the Township opts out and or prohibits the following state licenses: Marihuana Microbusiness, Marihuana Event Organizer License, Temporary Marihuana Event and Designated Consumption Establishments from operating within the Township.

#### Section 23-4. Permit Required

- a. No Person shall own or operate a Marihuana Business within the Township without first applying for and receiving a Permit from the Township Clerk's Office and must also obtain a License from the State of Michigan.
- b. A Marihuana Business shall operate pursuant to the requirements of this Article and shall comply at all times with the MMMA, MMFLA, MRTMA, MTA and the General Rules of the Department, as they may be amended from time to time.
- c. The Township shall assess an annual non-refundable Permit fee and or Renewal fee of \$5,000.00 for each Medical Marihuana Facility and Marihuana Establishment. The annual non-refundable fee shall be due and payable with the application for a Permit and upon the application for a renewal of any such Permit under this Article. Applicant shall also pay any certificate of zoning fees, certificate of occupancy fees and inspection fees to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding the Marihuana Business.
- d. A Marihuana Business must be registered with the Building Department as part of its certificate of compliance as to be inspected by the zoning, building, electrical, mechanical and plumbing inspectors and the Fire and Police departments for compliance with applicable local and state laws and codes. The Marihuana Business must pass annual safety inspections for compliance with the requirement of this Article.
- e. A Permit and a Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder and shall remain valid only for one year. A Permit issued under this Article is conditioned on the approval of the Applicant by the State pursuant to the MMFLA and MRTMA.
- f. All Applicants for a Permit or renewal must be current on taxes and any other financial obligation to the Township
- g. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Application for new Permits are considered.
- h. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any License or its Permit.

- i. No Permit issued under this Article may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Article and has been granted a Permit by the Township and approved by the State. No Permit issued under this Article is transferrable to any other Location.
- j. The Permit issued under this Article, as well as the License shall be prominently displayed at the Location in a place where it can be easily viewed by the public, law enforcement, Township Officials and or agents, and Marihuana Regulatory Agency's authorized agents. Failure to maintain or display a current Permit and License shall be a violation of this Article.
- k. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agent and employees for any state, federal or local law enforcement to conduct random and unannounced inspections of the Marihuana Business without a search warrant, and all articles of property in that Marihuana Business at any time.
- l. No Permit shall be granted or renewed for a Marihuana Business in a residence.
- m. A Permit Holder may not engage in any other Marihuana Business at the Location or on the Permitted Property, or in its name at another Location within the Township, without first obtaining a separate Permit.

#### Section 22-5. Other Laws and Ordinances

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

#### Section 22-6. Application for and Renewal of Permits

1. Application. An Application for a Permit for a Marihuana Business shall be submitted to the Clerk, and shall contain the following information:
  - a. The name, address, phone number and email address of the Permit Holder and the proposed Marihuana Business. For purposes of this section, "permit holder" shall have the same definition as "Applicant" as set forth in the MRTMA and MMFLA.
  - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder, and the Marihuana Business.
  - c. One (1) copy of all of the following:



1. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Location and Permitted Premises. If the Applicant is not the owner of the proposed Location and Permitted Premises, a notarized statement from the owner of such Location authorizing the use of the Location for a Marihuana Business.
2. If the proposed Permit Holder is a corporation, non-profit organization, Limited Liability Company or any other entity other than a natural person, indicate its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing.
3. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Marihuana Business.
4. Evidence of a valid sales tax license if such a license is required by state law or local regulations.
5. Non-refundable Application fee/Renewal fee of \$5,000.
6. Business and Operations Plan, showing in detail the Marihuana Business's proposed plan of operation, including without limitation the following:
  - i. A description of the type of Marihuana Business proposed and the anticipated or actual number of employees. The name of the proposed Manager of the Marihuana Business. The days and hours the Marihuana Business will be open and or in operation.
  - ii. A security plan meeting the requirements of Section 22-10(9) of this Ordinance which shall include a general description of the security systems(s) and lighting plan showing the lighting outside of the Marihuana Business for security purposes in compliance with Township requirements, current centrally alarmed and monitored security system service agreement for the proposed Location, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
  - iii. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Marihuana Business. A copy of a procedural plans for testing of contaminants, including mold and pesticides.
  - iv. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including

enforceable assurances that no odor will be detected from outside the Location.

- v. A plan for the disposal of Marihuana and related byproducts that will be used at the Business which includes at a minimum how the plan will 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 to the sewage system is prohibited.
7. An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Marihuana Business.
8. Whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
9. A Site Plan of the Location and the Permitted Property. The site plan shall also include an interior floor plan as well as a scale diagram illustrating the Location upon which the Marihuana Business(es) is to be operated, including all available parking spaces and specifying which parking spaces, if any, are handicapped accessible. A location area map of the Marihuana Business and the surrounding area that identifies that the location of the Marihuana Business lies in accordance with the Industrial Marihuana Buffer Overlay District as set forth in Section 14.21 of the Harrison Township Zoning Ordinance.
10. Information regarding any other Marihuana Business that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Marihuana Business.
11. Proof of Insurance. A Licensee shall at all times maintain full force and effect for duration of the License, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 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. The policy shall name the Charter Township of Harrison and its officials and employees as additional insureds to the limits required by this section. A Licensee or its insurance broker shall notify the Township of any cancellation or reduction in coverage within seven (7) days of receipt of insurers' notification to that effect. The Licensee or Permit Holder shall forthwith obtain and submit proof of substitute insurance to the Township Clerk within five (5) business days in the event of expiration or cancellation of coverage.

- d. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
- e. Information obtained from the Applicant or proposed Permit holder related to the licensure under this Ordinance, the MMFLA and the MRTMA is exempt from disclosure under the Freedom of Information Act.

## 2. Renewal Application and Amendment.

- (a) Each Permit issued under this Ordinance must be renewed annually. The Township Clerk shall make renewal and amendment applications and forms available and shall develop rules to determine how applications, forms or supplemental information requests for renewal or amendment will be accepted.
- (b) Renewal Applications Timelines: A Renewal Application shall be submitted to and received by the Clerk not less than forty-five (45) days prior to the expiration of the annual Permit, except that an Application requesting a change in the Location shall be submitted and received not less than ninety (90) days prior to the expiration of the Permit. The Township Clerk shall not accept a Renewal Application on the 44<sup>th</sup> day prior to the expiration of the annual Permit or any day thereafter. A Permit Holder whose Permit expires and for which a Renewal Application has not been received in accordance with the time frame set forth in this section and approved by the expiration date shall be deemed to have forfeited the Permit under this Ordinance.
- (c) Amendments.

1. A Marijuana Business shall not make or allow any changes to be made in the operation, management, or ownership of the Marijuana Business as represented in the License application, without first obtaining the approval of the Township through an amended application.

2. An amended application must be submitted when there is a change in any information the Applicant or Licensee was required to provide to the Township or the Department/MRA in the most recent application on file with the Township or the Department/MRA, as applicable.

3. If the Township denies an amended application, then a Licensee shall be allowed to operate under its License only if the proposed amendments are not in effect and if the License is otherwise valid.

3. Approval, Issuance, Denial and Appeal. All inspections, review and processing of the Application shall be completed within ninety (90) days of receipt of a complete Application and all required fees.

An Application shall not be approved unless:

- a. The Fire Department and the Building Department has inspected the proposed Location and Permitted Premises for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this Article.
- b. The Township Planner has confirmed that the proposed Location complies with the Zoning Ordinance and this Article.
- c. The Township Treasurer has confirmed that the Applicant/and or any Stakeholder is not in default to the Township.

The Township Clerk shall approve or deny the Permit Application within ninety (90) days of receipt of the completed Application and fees.

- (a) Medical Marihuana Facility. Within the time frame for approval, the Clerk shall assign an identifying number to an Application for submission into a lottery for random selection of those Applications approved by the Clerk to be issued a Permit for an approved Medical Marihuana Facility.

The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of an approved Application for submission into a lottery.

Any denial must be in writing and must state the reason(s) for denial. *Any final denial of a Permit may be appealed to the Township Board, provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit.* The Township has no obligation to process or approve any incomplete Application; and any times provided under this Article shall not begin to run until the Township receives a complete Application, as determined by the Township Clerk. A determination of a complete Application shall not prohibit the Township from requiring supplemental information.

Subsequent to amendments made to this Ordinance, a lottery may be held within 100 days from a Board approved application acceptance window of time for any available permits subject to the allowable numbers for approved businesses pursuant to section 23-3(a).

- (b) Marihuana Establishment Application Procedure and Selection Standards

Initial Receipt Period. For a Marihuana Establishment subject to the numerical limitation set forth in Section 22-3, the initial receipt period shall commence and end on dates to be set by Resolution of the Township Board.

The Clerk will accept and receive any complete application that includes the information and documents required by Section 22-6

If after close of business on the end date of the initial receipt period for applications for a permit for a Marihuana Establishment location, the Township has received more applications than the number of allowable permits and locations as set forth in Section 22-3, the Township will decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with the MRTMA. The Township will provide applicants with twenty-one (21) calendar day notice that the applicants must provide supplemental information and documentation to the Township to support the following assertions from the applicant to obtain points available within each of the following categories:

<u>CATEGORY</u>	<u>AVAILABLE POINTS</u>
Existing MMFLA Harrison Township Permit Holder	100
Existing MMFLA State license holder for a facility located in Harrison Township	125
Number of current MMFLA Permits at proposed MRTMA location	10 pts per permit -100 pts max
Number of MRTMA Permits Applied for (Class A, B, C and /or processing)	10 pts per permit-100 pts max
Number of Existing and Projected Full Time Employees at location	1 pt per Full Time Employee-40 pts max
New Investments per Million or more (not including building) This category may be applied retroactively to those permit holders that meet this requirement	10 pts per million-40 pts max No points for investments under \$1 million
Re-occupancy of vacant building	20
New site plan/façade improvements to current building	20
Existing MMFLA state license holder proposed timeline to be operational and licensed for an MRTMA Establishment	Within 90 days- 100 pts Within 180 days -50 pts Within 365 -25 pts
TOTAL	MAXIMUM-605

Upon timely receipt of the supplemental information The Township Clerk shall tally the available points for each applicant according the criteria set forth above and based upon the resulting scores select the applicant who receive the most points to grant a permit for an approved Marihuana Establishments location. Permits shall be granted thereafter in descending order. In the event of a tie, score, the Clerk shall conduct a random drawing from among the applicants with tied score to determine which applicant shall receive a permit.

4. Applications for new Permits where no building is as yet in existence. Any Applicant for a Marihuana Business Permit whose buildings are not yet in existence at the time of the Township's initial Permit approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, in accordance with subsection 6 of this section, applicable zoning ordinances, building codes and any other applicable state or local laws, rules or regulations, and to commence business operations.

5. Duty to Supplement.

- a. If, at any time before or after a Permit is issued pursuant to this Article, any information required in the Permit Application, the MMFLA, the MRTMA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant, Permit Holder or Licensee shall supplement such information in writing within ten (10) days from the date upon which the such change occurs.
- b. An Applicant, Permit Holder or Licensee has a duty to notify the Township Clerk in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the charge.
- c. An Applicant, Permit Holder or Licensee has a duty to notify the Township Clerk in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation processing, manufacture, storage, sale, distribution testing or consumption of any form of marihuana, the MMMA, the MMFLA, MTA, MRTMA, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution testing or consumption of any form of marihuana by the Permit Holder/Licensee, any owner, principal officer, director, manager, or employee within ten (10) days of the event.

6. Permit Forfeiture

In the event that a Marihuana Business does not commence operations within one year of issuance of a Permit, the Permit Holder may submit to the Township Clerk a written request for a one (1) year renewal permit, pay the renewal fee and the Township shall issue a renewal. In the event a permit holder does not commence operations within two (2) years of issuance of initial permit the permit shall be deemed forfeited; the business may not commence operations and the License is not eligible for renewal. The Permit Holder may appeal to the Township Board for an extension beyond year two (2) upon a showing of good cause.

Section 22-7. Revocation and Review

A Permit granted under this Article may be revoked by the Township Board *after* an administrative hearing if the Township Board finds and determines that grounds for revocation exist. Any grounds for revocation must be provided to the Permit Holder/Licensee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the Permit Application or any address provided to the Township Clerk in writing subsequent to the filing of an Application. A Permit applied for and issued under this Ordinance may be denied or revoked for the following reasons:

- a. Any fraud or misrepresentation contained in the Permit application.
- b. Any knowing violation of this Ordinance or any Code of Ordinance violation or Zoning Ordinance Violation
- c. Loss of the Permit Holder/Licensee's State Marihuana Business License
- d. Failure of the Applicant to obtain a State Marihuana Business License within a reasonable time after obtaining a Permit under this Ordinance.
- e. The Marihuana Business is determined by the Township Board to have become a public nuisance or otherwise is operating in an unlawful manner or in such a way as to constitute a menace or hazard to the health, safety, or general welfare of the public.

#### Section 22-8. Permit and License as revocable privilege.

A Permit issued by this Article is a revocable privilege granted by the Township and is not a property right. Granting a Permit does not create or vest any right, title, franchise, or other property interest. Each License is exclusive to the Licensee and a Licensee or any other person must apply for and receive the Township's approval before a License is transferred, sold, or purchased. A Licensee or any other person shall not lease, ledge or borrow or loan money against a License. The attempted transfer, sale, or to the conveyance of an interest in a License without the prior approval of the Department/MRA is grounds for suspension or revocation of the Permit or for other sanction considered appropriate by the Township.

#### Section 22.9. Location Requirements

1. Any Grower shall be located in the IND Industrial District.
2. Any Processor shall be located in the IND Industrial District.
3. Any Secure Transporter shall be located in the IND Industrial District.
4. Any Safety Compliance Facility shall be located in the IND Industrial District.
6. The Marihuana Business shall conform to all zoning and planning standards set forth for the IND Industrial District of the Zoning Ordinance.

#### Section 22-10. General Operational Requirements

Except as may be pre-empted by State law or Regulation, the following general requirements for Marihuana Businesses apply:

1. A Marihuana Business must obtain a state license before they can open for business.
2. No person shall reside in or permit any person to reside in the Marihuana Business or Permitted Property.
3. No person under the age of eighteen (18) shall be allowed to enter into the Marihuana Business without a parent or legal guardian.
4. Signs shall comply with the Township's sign ordinance.
5. There shall be posted in a conspicuous location within each Marihuana Business a legible sign containing the following warning language:
  - a. The possession, use, or distribution of marihuana is a violation of federal law.
  - b. It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
  - c. No one under the age of eighteen (18) years is permitted on the premises.
6. Outdoor storage is strictly prohibited.
7. Discharge of toxic, flammable or hazardous materials into the Township sewer is prohibited
8. A copy of premises liability and casualty damage insurance in the amount described in Section 22-6 shall be submitted to the Township when the Applicant has been notified that they have been approved for a Permit.
9. Marihuana Businesses shall at all times maintain a security system that meets State law requirements and regulations. A description of the security plan shall be submitted with the Application for a Permit. A separate security system is required for each Marihuana Business. The Security Plan must include, at a minimum the following:
  - a. Security surveillance cameras installed to monitor and record all entrances, along with the interior and exterior of the Permitted Premises and all areas of the Premises where persons may gain or



attempt to gain access to marihuana or cash maintained by the Marihuana Business.

- b. Robbery and Burglary alarm systems which are professionally monitored and operated 24 hours a day/7 days a week. The security plan submitted to the Township shall identify the company monitoring alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.
  - c. A locking safe permanently affixed to the Location that shall store any processed marihuana and all cash remaining in the Marihuana Business overnight. For marihuana infused products that must be kept refrigerated or frozen, the Marihuana Business may lock the refrigerated container or freezer in a manner authorized by the Township in place of use of a safe, so long as the container is affixed to the building structure.
  - d. All Marihuana in whatever form stored at the Marihuana Business shall be kept in a secure manner and shall not be visible from outside the Location, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Location.
  - e. All security recordings and documentation shall be preserved for at least thirty (30) days by the Permit Holder/Licensee and made available to any law enforcement upon request for inspection.
10. The amount of marihuana at the Marihuana Business and under the control of the Permit Holder/Licensee, owner or operator of the Facility shall not exceed that amount permitted by the state License or the Township's Permit.
  11. Smoking or consumption of controlled substances, including Marihuana, within the Marihuana Business is prohibited. It shall be a violation of this Article to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttably presumption that a person allowed the consumption of marihuana on or within a Location in violation of this section:
    - (a) The person had control over the Location or the portion of the Location where the marihuana was consumed.
    - (b) The person knew or reasonably should have known that the marihuana was consumed
    - (c) The person failed to take corrective action.
  12. All activities of Marihuana Business must occur indoors.
  13. The operation and design of the Marihuana Business shall minimize any impact to adjacent uses so as not to interfere with the reasonable and comfortable use and

enjoyment of another's property, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Location. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of another's property shall be measured against the objective standards of a reasonable person. No marihuana shall be cultivated, grown, manufactured or processed in any manner that would emit odors beyond the interior of the premises or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration to ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the Location in which the odor is generated. Venting of marihuana odors into the areas surrounding the Location is deemed and declared to be a public nuisance. In the event that any odors, debris, dust, fluids or other substances exit a Location, the owner of the Location and the Permit Holder/Licensee shall be jointly and severally responsible for immediate full clean-up and correction of such condition.

14. All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty, including but not limited to:
  - a. maintaining adequate personal cleanliness;
  - b. washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hand may have become soiled or contaminated; and
  - c. refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
15. 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.
16. Floors, walls and ceilings shall be constructed and or maintained in such a manner that they may be adequately cleaned and kept in good repair.
17. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.
18. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

19. There shall be no other accessory uses permitted within the same Location other than those associated with cultivating, processing or testing marihuana. Multi-tenant industrial buildings may permit accessory uses in suites segregated from each Marihuana Business.
20. All necessary building, electrical, plumbing, and mechanical and fire suppression permits shall be obtained from the Township for any portion of the Marihuana Business in which electrical wiring; lighting and /or watering devices that support the cultivation, growing, harvesting, processing or secure transporting of the marihuana are located.
21. That portion of the Marihuana Business where any chemicals such as herbicides, pesticide, fertilizers are stored shall be subject to inspection and approval by the Township Fire Department to ensure compliance with the applicable fire code.
22. The dispensing of marihuana at the Marihuana Business shall be prohibited. No free samples of medical marihuana shall be distributed from any Marihuana Business.
23. Marihuana Business shall be free from infestation by insects, rodents, birds, or vermin, of any kind.
24. Growers shall not produce products other than useable Marihuana intended for human consumption.
25. A Marihuana Business shall be open for inspection during the stated hours of operation and as such other times as anyone is present at the Location. No person shall refuse entry to, or in any manner interfere with the inspection of any Marihuana Business.
26. A Grower may co-locate with a Processor. However, each Marihuana Business must acquire separate Licenses and Permits.
27. Any failure by a Permit Holder/Licensee to comply with the provisions of MMMA, MMFLA, MRTMA, the MTA and the General Rules of the Department of Licensing and Regulatory Affairs or their successors, as they may be amended from time to time, or this Article is a violation of this Article and is sufficient grounds for suspension and revocation of the Permit issued under this Article.

#### Section 22.11. Township Requirements

The Township Clerk shall provide the following information to the Department within ninety (90) days after the Township receives notification from the Applicant that the Applicant has applied for a License under the MMFLA or MRTMA:

- a. A copy of the local ordinance that authorizes the marihuana **business** facility.

- b. A copy of any zoning regulations that apply to the proposed marihuana business within the Township.
- c. A description of any violation of the local ordinance or zoning regulations included under subdivision (a) or (b) committed by the Applicant, but only those violations related to activities licensed under the MMFLA, MMMA and MRTMA.
- d. The Township's failure to provide information to the State Licensing Board shall not be used against the Applicant.
- e. Information the Township receives from the Applicant related to licensure under this Ordinance is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.

#### Section 23.12. Penalties

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Article, any person, including, but not limited to, any licensee, manager or employee of a marihuana business, or any customer of such business, who violates any of the provisions of this Article shall be guilty of a civil infraction and such penalty is a civil fine of not more than \$500.00 in accordance with Section 1.7 of this Code.

Section 2. Chapter 22, Article IV of the Charter Township of Harrison Code of Ordinances is hereby repealed in its entirety.

#### Section 3. SEVERABILITY

If any subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion of this Ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.

#### Section 4. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### Section 5. EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days from the date of publication hereof.