

**VASSAR TOWNSHIP
TUSCOLA COUNTY, MICHIGAN
ORDINANCE AUTHORIZING AND PERMITTING
COMMERCIAL MEDICAL MARIJUANA FACILITIES
ORDINANCE NO. 2022-01**

Adoption of this Ordinance hereby repeals and replaces Ordinance No. 2017-02

At a regular/special meeting of the Township Board of Vassar Township, Tuscola County, Michigan, held at the Vassar Township Hall on January 11, 2022, at 7:00 p.m., Township Board Member Foether moved to adopt the following Ordinance, which motion was seconded by Township Board Member Pounds:

An Ordinance to implement the provisions of the Michigan Marijuana Facilities Licensing Act, Public Act 281 of 2016, which authorizes the licensing and regulation of Commercial Medical Marijuana Facilities and affords the Township the option whether or not to allow Commercial Medical Marijuana Facilities; to regulate Commercial Medical Marijuana Facilities by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and Visitors to the Township and to regulate the cultivation, distribution, and use of Medical Marijuana permitted under the Michigan Medical Marijuana Act, Initiated Law 1 of 2008 In order to maintain the public health, safety and welfare of the residents and visitors to the Township.

Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use, sale or distribution of Marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, MCL 333.26421, et seq. as amended; the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.; the Marijuana Tracking Act, MCL 333.27901, et seq.; and all other applicable rules promulgated by the State of Michigan.

As of the effective date of this ordinance, Marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec 801, et seq., which makes it unlawful to manufacture, distribute or dispense Marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

THE TOWNSHIP OF VASSAR ORDAINS:

Section 1. Definitions. The following words and phrases shall have the following definitions when used in this Ordinance:

- A. Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marijuana Act.
- B. Any term defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marijuana Facilities Licensing Act.
- C. Any term defined by the Marijuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marijuana Tracking Act.

- 1. "Agency" means the Marijuana Regulatory Agency (M.R.A.).

2. *“Application” or “Application Package”* means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the *“Applicant.”*
3. *“Clerk”* means the Vassar Township Clerk or his/her designee.
4. *“Commercial Medical Marijuana Facility,” “Marijuana Facility” or “Facility”* means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq., including a Marijuana grower, Marijuana processor, Marijuana provisioning center, Marijuana secure transporter, or Marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marijuana Act, MCL 333.26421, et seq.
5. *“Complete application”* means an application that includes all of the information required by this Ordinance and the Vassar Township Zoning Ordinance for a Marijuana Establishment.
6. *“Department”* means the Michigan State Department of Licensing and Regulatory Affairs or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marijuana Facility, such as the Marijuana Regulatory Agency (M.R.A.)
7. *“Grower”* means a MMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages Marijuana for sale to a processor or provisioning center.
8. *“License”* means a current and valid License for a Commercial Medical Marijuana Facility issued by the State of Michigan, under the MMFLA.
9. *“Licensee”* means a person holding a state operating license under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.
10. *“Marijuana” or “Marihuana”* means the term as defined in the Public Health Code. MCL 333.1101, et seq.; the Medical Marijuana Act MCL 333.26421, et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.; and the Marijuana Tracking Act MCL 333.27901, et seq. For the purpose of this ordinance, the spellings are interchangeable.
11. *“Marijuana Establishment” or “Establishment”* means a Marijuana grower, Marijuana safety compliance facility, Marijuana processor, Marijuana microbusiness, Marijuana retailer, Marijuana secure transporter, Marijuana designated consumption establishment, or any other type of Marijuana-related business licensed to operate by the agency under the MRTMA or the rules of the M.R.A.
12. *“Marijuana plant”* means any plant of the species *Cannabis sativa* L.

13. *"Marijuana-infused product"* means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable Marijuana that is intended for human consumption in a manner other than smoke inhalation.
14. *"Michigan Medical Marijuana Act"* means the Michigan Medical Marijuana Act, 2008 IL 1, MCL 333.26421 to 333.26430 and as defined in the MMFLA.
15. *"Paraphernalia"* means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, Marijuana.
16. *"Permit"* means a current and valid Permit for a Commercial Medical Marijuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
17. *"Permit Holder"* means the Person that holds a current and valid Permit issued under this Ordinance.
18. *"Permitted Premises"* means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit.
19. *"Permitted Property"* means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
20. *"Person"* means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
21. *"Processor"* means a licensee that is a commercial entity located in this state that purchases Marijuana from a grower and that extracts resin from the Marijuana or creates a Marijuana-infused product for sale and transfer in packaged form to a provisioning center, as that term is defined in the MMFLA.
22. *"Provisioning Center "* means a licensee that is a commercial entity located in this state that purchases Marijuana from a grower or processor and sells, supplies, or provides Marijuana to registered qualifying patients, directly or through the patient's registered primary caregiver. Provisioning center includes any commercial property where

Marijuana is sold at retail to registered qualifying patients or registered primary caregivers, as that term is defined in the MMFLA. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's Marijuana registration process in accordance with the Michigan Medical Marijuana Act, 333.26421, et seq., is not a provisioning center for purposes of this æt ordinance.

23. "*Public Place*" means an area in which the public is invited or generally permitted in the usual course of business.
24. "*Registered primary caregiver*" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marijuana Act, MCL 333.26423.
25. "*Registered qualifying patient*" means a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marijuana Act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.
26. "*Registry Identification Card*" means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in section 3 of the Michigan Medical Marijuana Act, MCL 333.26423.
27. "*Same location*" means separate state licenses that are issued to multiple Marijuana establishments that are authorized to operate at a single property but with separate business suites, partitions, or addresses.
28. "*Stacked license*" means more than 1 state license issued to a single licensee to operate as a Class C Marijuana grower as specified in each state license at a Marijuana establishment.
29. "*Safety compliance facility*" means a licensee that is a commercial entity that receives Marijuana from a Marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marijuana to the Marijuana facility.
30. "*Secure transporter*" means a licensee that is a commercial entity located in this state that stores Marijuana and transports Marijuana between Marijuana facilities for a fee.

31. "State operating license" or, unless the context requires a different meaning, "license" means a license that is issued under the Medical Marijuana Facilities Licensing Act, MCL 333.27101, et seq.
32. "Township" means Vassar Township, a general law township located in Tuscola County, Michigan.

Section 2. Commercial Medical Marijuana Facility Permit Required; Number of Permits Available; Eligibility; General Provisions.

1. The Vassar Township Board hereby authorizes the operation of the following types of Commercial Medical Marijuana Facilities, subject to the number of available Permits issued in this Section:
 - a. MMFLA Marijuana Growers, Class A - cultivations of not more than 500 Marijuana plants; and
 - b. MMFLA Marijuana Growers, Class B - cultivations of not more than 1,000 Marijuana plants; and
 - c. MMFLA Marijuana Growers, Class C - cultivation of not more than 1,500 Marijuana plants; and
 - d. MMFLA Marijuana Processors; and
 - e. MMFLA Marijuana Provisioning Center; and
 - f. MMFLA Marijuana Safety Compliance Facilities; and
 - g. MMFLA Marijuana Secure Transporter.
2. The maximum number of Commercial Medical Marijuana Facility Permits in effect at any time shall not exceed the following maximums within the Township:

Type of Facility	Number Allowed
a. Grower Type A (Up to 500 plants)	Unlimited
b. Grower Type B (Up To 1,000 plants)	Unlimited
c. Grower Type C (Up to 1,500 plants)	Unlimited
d. Secure Transporter	Unlimited
e. Processor	Unlimited
f. Safety Compliance Facility	Unlimited
g. Provisioning Center	5

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

3. A non-refundable local permitting fee, as set by resolution of the Vassar Township Board, shall be paid annually to Vassar Township for each Commercial Medical Marijuana Facility Permit issued under this ordinance.
4. No person shall operate a Commercial Medical Marijuana Facility at any time or any location within the Township unless a then currently-effective Permit for that person at that location has been issued under this ordinance.
5. Commercial Medical Marijuana Facilities shall operate only as expressly allowed under this Ordinance.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. At the time of application, each Applicant shall, for each application, pay a non-refundable application fee to Vassar Township to defray the costs incurred by the Township, as set by resolution of the Township Board, not to exceed any limitations imposed by Michigan Law.
8. An Initial or Renewal Commercial Medical Marijuana Facility Permit shall be valid for one year, expiring on the anniversary of Establishment's final permit approval date, unless revoked as provided by law. Failure to obtain all other permits and approvals required by all other applicable ordinances and regulations of the Township, County and State of Michigan within that time shall render the Establishment ineligible for renewal and the permit shall be available to another applicant. A Permit and Renewal Permit shall confer a reasonable expectation of subsequent renewal unless:
 - a. A renewal has been denied by the State of Michigan.
 - b. The Applicant has been found to have defrauded the Township, has committed a material violation of this Ordinance, has lost the state License, or is causing a nuisance to the public health, safety or general welfare.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. 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 any and all material changes in any information submitted in an Application Package and any other changes that may materially affect any State of Michigan License or its Vassar Township Permit.

11. No Permit issued under this Ordinance may be assigned or transferred to any Person or entity unless the assignee or transferee has submitted a complete Application Package and all required fees and documentation under this Ordinance, other applicable Ordinances, and has been approved for a local Permit under this Ordinance by Vassar Township. No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property.
12. The original and current local Permit issued under this Ordinance shall at all times be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
13. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal, or local law enforcement to conduct random and unannounced examinations of the Facility, all records and all materials and articles of property in that Facility, at any time, to ensure compliance with this Ordinance, with any other State or local regulations and with the Permit.
14. A Permit Holder may not engage in any other Commercial Medical Marijuana Facility, or Marijuana Establishment in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit. Only the entity named in a Permit may grow at a Commercial Medical Marijuana Grow Facility.
15. No permit shall be granted or renewed for a Commercial Medical Marijuana Facility in a residence, building or area not specifically zoned for that purpose.
16. Receiving and maintaining a valid MMFLA and/or MRTMA license issued by the State of Michigan for the Permitted Premises is a condition for the issuance and maintenance of a Marijuana Facility permit under this ordinance and continued operation of any Commercial Medical Marijuana Facility.

Section 3. Other Laws and Ordinances.

In addition to the terms of this Ordinance, any Commercial Medical Marijuana Facility shall comply with all Township Ordinances, including without limitation, the Vassar Township Zoning Ordinance, all other applicable local ordinances, codes or regulations, State laws, the MMFLA and M.R.A. Rules.

Section 4. Application for and Renewal of Permits.

1. **FOIA.** Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure under state law, to the extent permitted by the Michigan Freedom of Information Act. (Moved)
2. **Initial Application.** An Application for a Permit to operate a Commercial Medical Marijuana Facility must be on a form provided by Vassar Township, shall be submitted to

the Township Zoning Administrator or Planning Commission Chairman and shall contain the following information at a minimum:

- a. The name, address, phone number and e-mail address of the proposed Permit Holder and the Type of proposed Commercial Medical Marijuana Facility;
- b. The name, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marijuana Facility;
- c. Eight (8) paper copies and One (1) electronic copy of all the following:
 1. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and/ or Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marijuana Facility shall be provided to the Township.
 2. If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status, attach a copy of all company formation documents (including amendments), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Facility, proof of registration with the State of Michigan, and a certificate of good standing.
 3. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed Facility.
 4. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 5. Application for a Sign Permit, if any sign is proposed.
 6. Non-refundable Application fee, as set by the Vassar Township Board.
 7. Business and Operations Plan, showing in detail the Commercial Medical Marijuana Facility's proposed plan of operation, including without

limitation, the following:

- I. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - II. A security plan meeting the requirements of Section 5 5. of this Ordinance, which shall include a general description of the security system(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State Marijuana Regulatory Agency prior to commencing operations.
 - III. A description by category of all products to be sold.
 - IV. A list of all Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marijuana Facility.
 - V. A description and plan for all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no abatable nuisance odor will be detectable at the property line of the Permitted Premises.
 - VI. A plan for the disposal of Marijuana and related byproducts that will be generated by the Facility.
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. Site plan and interior floor plan of the Permitted Premises and the Permitted Property, as required by the Township Zoning Ordinance, lawfully prepared by a Michigan registered architect, surveyor or professional engineer.

 10. A complete list of all Marijuana permits and licenses held by the Applicant in any other jurisdictions, including complete copies of the issued Permits and Licenses.

 11. Application for Special Use Permit to be reviewed by the Township Planning Commission.

 12. All information required for Site Plan review by the Township Planning Commission.

 13. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
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- d. Upon receipt of the application and accompanying documentation, the Vassar Township Zoning Administrator or Planning Commission Chairman shall accept the application and assign it a sequential application number by Facility type based on the date and time of acceptance. The Zoning Administrator or Planning Commission Chairman shall act to process an application not later than fourteen (14) business days from the date the application was accepted. When the application is deemed complete, the Zoning Administrator or Planning Commission Chairman shall forward all information to the Planning Commission and establish a date for public hearing and Planning Commission review.
 - e. An application is valid for one hundred twenty (120) days from the processing date issued by the Township Zoning Administrator or Planning Commission Chair. If an application remains incomplete beyond one hundred twenty (120) days, the application shall be null and void and the applicant shall forfeit the application fee. The Township Zoning Administrator or Planning Commission Chair may, at his/her discretion, extend this period an additional 90 days.
 - f. Preliminary Approval means only that the applicant has submitted a valid application for a Commercial Marijuana Facility Permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals

required by all other applicable ordinances and regulations of the Township. The permits and approvals required include but are not limited to:

- A. Special Use Permit as issued by the Township Planning Commission per Article 16 of the Vassar Township Zoning Ordinance.
 - B. Site Plan approval from the Township Planning Commission per Article 15 of the Vassar Township Zoning Ordinance.
- g. Upon preliminary approval by the Township Planning Commission, the initial annual permitting fee shall be paid to the Township Treasurer, via the Township Zoning Administrator or Planning Commission Chair, prior to the issuance of a Commercial Medical Marijuana Facility Permit. If the fee has not been received within 45 days from the date of the Planning Commission's preliminary approval, the applicant will have forfeited its application, the application shall become null and void, and the Permit shall be available to another applicant.
- h. Within 10 business days of the planning commission's approval of the applicant's Site Plan, Special Use Permit and Commercial Marijuana Facility Permit and payment of the annual non-refundable local permitting fee, the Vassar Township Zoning Administrator or Planning Commission Chair shall issue the Commercial Marijuana Facility Permit in order of the previously assigned sequential application number.

3. Renewal Application.

A Commercial Medical Marijuana Facility Permit shall expire each year on the anniversary of the final approval of the Permit and is valid until that date unless revoked as provided by law. A valid Commercial Medical Marijuana Facility Permit may be renewed on an annual basis following the review and approval of the Planning Commission, by submitting a Renewal Application form provided by the Township and payment of the annual local Permit fee/s. Renewal Applications shall be submitted to and received by the Township not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the permit.

A Permit Holder whose Permit expires and for which a complete Renewal Application form has not been received by the expiration date, shall be presumed to have determined not to seek renewal; provided, such Permit Holder may rebut the presumption and apply for the right to file a delayed Renewal Application, which shall be granted by the Township unless the Applicant does not meet Section 2. 8. a. and/or b. The application for the right to file a delayed Renewal Application must be filed before

the expiration date, along with any late fees imposed by resolution of the Township Board, any Annual Permitting Fees shall be paid at the time of the delayed application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than six (6) months after the expiration date. Vassar Township will not accept renewal applications and permit forfeiture will result after the expiration date.

- a. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or Prior Permit Renewal Application, while making clear where such information or documentation can be found, provided that the information or documentation has not changed.
- b. Prior to approval or renewal of an Application for a Grower Facility Permit, an Applicant may amend the Class of the Grower Facility Permit Application, if a permit is available, by submitting an application form and expressly incorporating by reference the information or documentation contained in the original Permit Application. The Township may impose a fee as established by resolution of the Township Board. The Applicant will be required to show proof of a valid State License allowing operation of the new class of Grower Facility Permit prior to operation.

4. Transfer Application.

- a. The same requirements that apply to all new Applications for a permit apply to all Applications to transfer an existing Permit to a new legal entity or individual(s). No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property, and only after the transferee has Applied for and obtained approval for the transfer, including without limitations, the payment of the same fee for the transferred Permit as apply for a new Permit.
- b. No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Vassar Township Planning Commission, after submitting a new Application for a Permit, including payment of any fees as would apply for a new Permit. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.

5. Transfer of Control of a Permit Holder.

- a. No Permit Holder Shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the entity owning the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Planning Commission.
- b. The Applicant and Permit Holder must submit a change in control transfer Application to the Township Zoning Administrator or Planning Commission Chair

prior to any sale or transfer of stock or membership interest. The Application shall include the following:

1. The names, home addresses, e-mail addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marijuana Facility;
 2. If the Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, attach a copy of all company formation documents (including amendments), purchase agreement for all stock or membership interest, identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Facility, and a certified copy of the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.
 3. A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers and managers of the proposed Facility.
 4. Whether the Applicant has ever applied for or been granted any commercial License, Permit 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.
 5. Information regarding any other Commercial Medical Marijuana Facility or Marijuana Establishment, or similar License that the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each such operation.
 6. The non-refundable application fee as set by the Vassar Township Board.
 7. Any documents required to reflect that the Commercial Medical Marijuana Facility will be operated and managed consistent with the current filings provided to the Township.
 8. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
- c. If, prior to the approval or renewal of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other than a natural person, seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Zoning Administrator or

Planning Commission Chair to amend the Application. Upon approval by the Zoning Administrator or Planning Commission Chair, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required under Section 4

- a. The Township Board may set a fee by resolution for such a change.

- d. The following actions constitute transfer of ownership and require a new application, application fee and Township Board approval:

1. *Persons*. Any Transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.
2. *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
3. *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in members or change in the interest held by a member(s) of any Limited Liability Company holding a Permit constitutes a transfer of ownership.
4. *Partnerships*. Any change of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
5. *Assets*. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.

6. **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. The Township Planning Commission shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. 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 the Permit. Any denial must be in writing and must state the reason(s) for denial. The Township has no obligation to process or approve any incomplete Application and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Zoning Administrator or Planning commission Chair. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that:

- a. For denial of a new Permit, an appeal shall not grant any rights to an Applicant; and

- b. For denial of a Renewal Application, if the Applicant has paid all required fees, including additional fees due during the pendency of the appeal, the previous Permit shall be extended during the pendency of the appeal, unless otherwise ordered by the court.

7. **Applications for new Permits where no building is as yet in existence.** Any Applicant for a Commercial Medical Marijuana Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to commence construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to thereafter complete construction and commence business operations without unreasonable delay.

8. **Effect of Transfer.**

- a. Immediately following the approval of a transfer of ownership by the Township Board and payment of the Annual Permitting Fee, the transferee(s) will obtain all the interests, rights, obligations and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated.
- b. For transfers under Section 4. (Transfer Application), the deadlines for expiration and renewal for a transferred Permit will run from the date the transfer was effectuated.
- c. For transfers under Section 5. (Transfer of Control of a Permit Holder), the renewal and termination dates of the Permit shall not change.
- d. For transfers under Section 7. (Transfer Application) where no building is yet in existence, the deadline for construction set forth in Section 4. 6. shall be extended to one year immediately following the date the transfer is approved, but construction must commence within three years after the Township's initial approval of the Permit, regardless of any subsequent transfers.

9. **Duty to Supplement.**

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.

- b. An Applicant or Permit Holder has a duty to notify the Township Zoning Administrator or Planning Commission 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 event.

- c. An Applicant or Permit Holder has a duty to notify the Township Zoning Administrator or Planning Commission Chair 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 Marijuana, the MMMA, the MMFLA, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, of Marijuana, the MMMA, the MMFLA, 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 Marijuana by the Applicant , any owner, principal officer, director, manager, or employee within (10) ten days of the event. .

Section 5. Operational Requirements – Commercial Medical Marijuana Facilities.

A Commercial Medical Marijuana Facility issued a Permit under this Ordinance and operating in Vassar Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Commercial Medical Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent that they are inconsistent with the MMFLA, the Rules of the Agency or this Ordinance.

2. *Required Documentation.* The facility must hold a valid local Permit for the type of Commercial Medical Marijuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.

3. *Location.* Each Commercial Medical Marijuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marijuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marijuana.

4. *Minimum Age.* No person under the age of eighteen (18) shall be allowed to enter into

the Permitted Premises without a parent or legal guardian.

5. *Security Requirements.* Applicants and Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking safe or vault permanently affixed to the Permitted Premises that shall store all usable Marijuana and cash remaining in the Facility overnight, except for Marijuana actively grown in a Grow Facility; and
 - d. All Marijuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for a minimum of five (5) days by the Permit Holder and made available to any law enforcement upon request for inspection.
6. *Operating Hours.* No Provisioning Center shall operate between the hours of 10:00 p.m. and 8:00 a.m. or as required by the State of Michigan.
7. *Buffer Zones -* A Provisioning Center, Retail Establishment or Marijuana Microbusiness permitted premises shall not be located within 500' feet of any building on an adjacent property comprising an educational institution or school, college or university, church, house of worship or other religious facility, licensed child care center or preschool or public or private youth activity facility, with the minimum distances measured horizontally between the nearest buildings.
8. *Co-location with certain Marijuana Establishments.* A MMFLA Grower, Processor and a Provisioning Center may, with appropriate local Permits, operate at a location shared with a MRTMA Marijuana Grower, Marijuana Processor and Marijuana Retailer pursuant to the MMFLA, MRTMA and the Rules of the M.R.A., as the Township makes Permits available.
9. *Amount of Marijuana.* The amount of Marijuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the State License or the Township's Permit.

10. *Sale of Marijuana.* The Marijuana offered for sale and distribution must be packaged and labeled in accordance with state law.
11. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marijuana or Marijuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible from outside of the Permitted Premises on the Permitted Property. The words "Marijuana," "cannabis" and any other words used or intended to convey the presence or availability of Marijuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
12. *Consumption on Premises.* The sale, consumption or use of alcohol or tobacco products on the Permitted Property is prohibited. Smoking or consumption of controlled substances, including Marijuana, on the Permitted Property is prohibited.
13. *Indoor Operation.* All activities of Commercial Medical Marijuana Facilities, including without limitation, distribution, growth, cultivation, processing or the sale or transfer of Marijuana, and all other related activity permitted under the Facilities license or permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility abatable nuisance odor is detectable at the property line of the Permitted Premises. Secure Transporters are exempt from the air filtration requirement.
14. *Unpermitted Growing.* Only the entity named in a permit may grow at a commercial Marijuana grow facility.
15. *Distribution.* No person operating a Facility shall provide or otherwise make available Marijuana to any person who is not authorized to receive Marijuana under state law.
16. *Permits.* All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marijuana are located.
17. *Waste Disposal.* The permit holder, owner and operator of the Facility shall use lawful methods of controlling waste or by-products from any activities allowed under the License or Permit.
18. *Transportation.* Marijuana may be transported by a Marijuana Secure Transporter within Vassar Township under this Ordinance, and to effectuate its purpose, only:
 - a. By persons who are otherwise authorized by state law to transport Marijuana;
 - b. In a manner consistent with all applicable state laws and rules, as needed;
 - c. In a secure manner designed to prevent the loss of the Marijuana;

- d. No vehicle may be used for the continuous storage of Marijuana, but may only be used incidentally to, and in furtherance of, the transportation of Marijuana.
 - e. Vehicles used for the secure transport of Marijuana must be stored indoors when not in use.
19. *Additional Conditions.* The Vassar Township Board may impose such reasonable terms and conditions on a Commercial Medical Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain the compliance with the requirements of this Ordinance and applicable law.

Section 6. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.
2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues shall be deemed a separate municipal civil infraction.
3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

5. This ordinance shall be enforced and administered by the Zoning Administrator, Planning Commission Chair or such other Township official as may be designated from time to time by resolution of the Vassar Township Board.

Section 7. Applicability. The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Commercial Medical Marijuana Facility were established without authorization before the effective date of this ordinance.

Section 8. Severability. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 9. Effective Date. This Ordinance shall take effect eight (8) days following publication or posting after final adoption by the Township Board.

YEAS: Pounds, Partridge, Foether, Borcharding

NAYS: Stack

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Bruce Foether, Vassar Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Vassar Township Board at a duly scheduled and notice meeting of that Township Board held on January 11, 2022, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Tuscola County Advertiser, a newspaper that circulated within Vassar Township, on January 19, 2022.
3. Within 1 week of such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.

I filed an attested copy of the above Ordinance with the Tuscola County Clerk on February 2, 2022.

ATTESTED:

Deborah Pounds, Vassar Township Clerk