

**TOWNSHIP OF PLEASANT PLAINS  
LAKE COUNTY, MICHIGAN  
(Ordinance No. 2020 -02)**

At a regular meeting of the Township Board for the Township of Pleasant Plains held at the Township Hall on March 7, 2020, the following Ordinance was offered for adoption by Township Board Member \_\_\_\_\_ and was seconded by Township Board Member \_\_\_\_\_:

**ENACTING AN ORDINANCE ENTITLED “MEDICAL MARIHUANA FACILITY LICENSING” FOR THE TOWNSHIP OF PLEASANT PLAINS.**

THE TOWNSHIP OF PLEASANT PLAINS (“Township”) ORDAINS:

Article 1. Enacting of Ordinance Number 2020-02. (entitled “Medical Marihuana Facilities”) for the Township of Pleasant Plains is enacted and reads in its entirety as follows:

**MEDICAL MARIHUANA FACILITY LICENSING**

**Section 1. GENERAL:**

The Township finds that it is in the public interest to allow the licensing and operation of Facilities within its boundaries as permitted by law pursuant to PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.

**Section 2. PURPOSE:**

The purpose of this Ordinance is to establish standards for the licensing of Facilities. It is the Township’s intent, subject to conditions, to allow the licensing and operation of Facilities within its boundaries in order to:

- A. Promote the safe and regulated manufacturing, production, storage, and sale of medical marihuana;
- B. Provide safe access to medical marihuana for licensed medical marihuana patients;
- C. Discourage the sale of unsafe or unlicensed marihuana products;
- D. Preserve and protect the health, safety, and welfare of the residents of the Township and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
- E. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of Facilities within the Township shall be governed.

**Section 3. DEFINITIONS:**

- A. Terms not defined herein shall be defined pursuant to PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.
- B. Terms not defined herein or in the Act shall be defined pursuant to the Medical Marihuana Facility Rules, as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
- C. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires otherwise:
  - 1. “Act” means PA 281 of 2016, the Medical Marihuana Facilities Licensing Act, MCLA 333.27101, *et seq.*, as amended.
  - 2. “Applicant” means a person or entity who applies for a License under this Ordinance. If an entity applies for a License the term includes an officer, director, or other agent of the entity when appropriate.
  - 3. “Board” means the Township Board
  - 4. “Clerk” means the Township Clerk.
  - 5. “Facility” means a medical marihuana facility as defined in the Act.
  - 6. “Premises” means the Facility and its property, including attached buildings, outbuildings, parking lots, etc.
  - 7. “State” means the State of Michigan and its agencies.
  - 8. “State of Michigan licensed medical marihuana facility” means any Facility fully licensed by the State of Michigan under the Act.
  - 9. “State of Michigan Operating License” means a license granted by the State of Michigan pursuant to the Act.
  - 10. “Township” means the Township of Pleasant Plains in Lake County Michigan.
  - 11. “Township License” or “License” means a license granted under this Ordinance.

#### Section 4. CONFLICT:

- A. Nothing in this Ordinance shall be construed in such a manner to conflict with existing Township ordinances except as otherwise stated herein.

- B. Nothing in this Ordinance shall be construed in such a manner to conflict with the Act or any other law of the State of Michigan.

Section 5. APPLICABILITY AND ENABLING PROVISION:

- A. Operation of a Facility Establishment requires a valid State of Michigan Operating License, Township License, and compliance with all Township ordinances and terms of Township and State of Michigan licenses.
- B. Township Licenses for the following types of Facilities may be granted for operation within the Township at any one time:
1. Growers of any class: three (3) such Licenses;
  2. Processors: two (2) such Licenses;
  3. Provisioning Centers: three (3) such Licenses;
  4. Secure Transporters: one (1) such License; and
  5. Safety Compliance Facilities: one (1) such License;
- C. This Ordinance does not apply to or regulate any protected patient or caregiver conduct pursuant to PA 1 of 2008, the Michigan Medical Marihuana Act, MCLA 333.26421, *et seq.*, as amended.
- D. A License is a revocable privilege granted by the Township and is not a property right. The application for or granting of a License under this Ordinance does not create or vest any right, title, franchise, or other property interest.
- E. A licensee or any other person shall not lease, pledge, borrow, or loan money against a License.

Section 6. LICENSING REQUIREMENTS:

- A. No Applicant that has done business or purported to do business under this Ordinance or the Act without first obtaining the necessary Township and State of Michigan licenses, permits, and approvals shall be eligible for licensing under this Ordinance.
- B. Any Facility that receives a License under this Ordinance shall be subject to inspection, with or without notice, at any time, by the Township Fire Chief, the Lake County Sheriff, the Director of the Michigan State Police, or their designees.
- C. Facilities and Applicants licensed under this Ordinance shall comply with all applicable

rules, standards, laws, ordinances, regulations, etc. promulgated by the Township, State of Michigan, or any entity thereof.

- D. Each License issued under this Ordinance is issued exclusively to the licensee. Any attempt to transfer, sell, purchase, or otherwise convey any interest in a License is grounds for revocation of the License. Any License that has been transferred, sold, purchased, or otherwise had any interest in it conveyed is void.
- E. An Applicant that receives a License shall display such License at the Facility in a manner clearly visible to the public.
- F. The issuance of a License under this Ordinance shall be in addition to, and not in lieu of, any other licensing, permitting, or approvals required by the Township, State of Michigan, or any entity thereof.

#### Section 7. APPLICATION PROCEDURE:

- A. All applications for a License under this Ordinance shall be filed with the Township Clerk utilizing and complying with the Township's application form and processes.
- B. The application shall be signed by the Applicant: by the individual if an individual, by all partners if a partnership, by a managing member if a limited liability company, or by the president if a corporation.
- C. No application for a License or the granting of a License shall be made until State of Michigan licensing "pre-qualification" has first been obtained.
- D. The Applicant shall provide to the Township any information required by the Act and any other information reasonably deemed by the Township to be required for the consideration of a License.
- E. Upon verification by the Township Clerk that the application complies with the requirements of the Act, Township Ordinances, and the Township application, the Township Clerk shall submit the application for consideration to the Township Board
- F. The issuing of a License under this Ordinance shall be at the discretion of the Township Board.
- G. No Township License shall be issued if the number of active Licenses allowed under this Ordinance have been previously met.
- H. All Licenses shall be issued on a calendar year basis.

- I. All Licenses shall be subject to annual renewal by the Township Clerk and the Facilities subject to annual inspection.
- J. All licensees under this Ordinance shall apply for a renewal of their License not less than 60 days before the License expires.
- K. The Township Clerk may assess an initial non-refundable License application fee not to exceed \$4,000.00 per License.
- L. Upon the granting of a License, the Township Clerk may assess a nonrefundable fee not to exceed \$500.00 per License to cover the costs of oversight, administration, and enforcement associated with the operation of a Facility for the first year of licensure.
- M. The Township Clerk may assess a non-refundable License renewal fee not to exceed \$500.00 per License.
- N. Upon the granting of a License renewal, the Township Clerk may assess a non-refundable fee not to exceed \$500.00 per License to cover the cost of renewal, oversight, administration, and enforcement associated with the operation of a marijuana facility for the next year of licensure.

Section 8. TOWNSHIP CLERK DUTIES:

- A. The Township Clerk shall establish written policies, criteria, processes, and forms for the application and reapplication for a License under this Ordinance.
  - 1. Such written policies, criteria, processes, and forms for the application and reapplication of a License shall be established no later than one year from the adoption of this Ordinance and may be amended thereafter.
  - 2. No applications shall be made, and no Licenses granted under this Ordinance, until such written policies, criteria, processes, and forms for the application and reapplication of a License have been established.
- B. The Township Clerk shall have broad authority to implement policies and processes for the application and reapplication of a License under this Ordinance.
- C. The Township Clerk shall renew Licensees if after a due diligence investigation, the Township Clerk concludes that the Applicant – Licensee complies with the requirements of the Act, this Ordinance, other applicable Township ordinances, and Township policies; and that a License renewal would not constitute a menace to the health, safety, or general welfare of the public.

1. Prior violations of the Act, this Ordinance, and Township policies or ordinances, shall be grounds to deny the renewal of a License.
2. Failure to secure and maintain a valid State of Michigan Operating License within one year of being issued a Township License shall be grounds to deny the renewal of a License.
3. Failure to secure and maintain a valid requisite zoning approval within one year of being issued a Township License shall be grounds to deny the renewal of a License

D. The Township Clerk shall transmit a copy of this Ordinance and any future amendments to the State of Michigan Department of Licensing and Regulatory Affairs.

#### Section 9. APPROVAL OF LICENSES:

A. The Township Board shall establish its own practices, rules, and procedures for the approval of Licenses. Formalized rules and procedures shall be in writing and filed with the Township Clerk.

B. Approval or Denial of Licenses:

1. The Township Board shall have the authority to approve or deny Licenses for Facilities.
2. The approval or denial of a License shall be at the Township Board's discretion upon consideration of the following:

a. The Applicant's ability to ensure safe and regulated manufacturing, production, or sale of medical marihuana;

b. The Applicant's ability to ensure safe access to medical marihuana for eligible consumers;

c. The Applicant's ability to discourage the sale of unsafe or unlicensed marihuana products; and

d. The health, safety, and welfare of the residents of the Township.

3. The Township Board shall hold a public hearing prior to the granting or denying of an Application.

C. The granting or revocation of a License shall require a majority vote of the Township Board.

#### Section 10. LICENSEE OBLIGATIONS:

No licensee shall do or permit any person to do the following in or on the Premises:

- A. Smoke, vape, ingest, or otherwise consume marihuana or marihuana products.
- B. Conduct any activity involving marihuana to include processing, loading and unloading, and manufacturing outside the Facility in a manner visible to the general public.
- C. Reside in any capacity or for any length of time.

#### Section 11. SUSPENSION AND REVOCATION:

- A. A License granted under this Ordinance may be revoked at any time by the Township Board for any of the following reasons:
  - 1. Fraud or misrepresentation contained in the in the State of Michigan license, Township License, Township zoning, or other permit applications;
  - 2. Violation of the Act, this Ordinance, any Township ordinance or policy, State law, or terms of licensure;
  - 3. Violation of applicable laws, ordinance, rules, standards, regulations, etc. promulgated by the Township, State of Michigan, or any entity thereof;
  - 4. Loss of or failure to maintain a valid State of Michigan Operating License;
  - 5. Failure to comply with the Township Zoning Ordinance;
  - 6. Conducting business in an unlawful manner; or
  - 7. Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.
- B. The Township Board may suspend a License for up to 90 days without proceeding to revocation. If a suspension lasts longer than 90 days, the Township Supervisor shall initiate a revocation hearing.
- C. Prior to revocation, the Township Board shall hold a hearing at which the licensee may be heard, and all relevant evidence may be admissible.

#### Section 12. APPEALS PROCESS:

- A. Any Applicant who is denied a License, licensee whose License is not renewed by the Township Clerk, or licensee whose License is revoked by the Township Board may appeal to the Township Board. The appeal must be submitted to the Township Clerk

within 30 days of the denial, denial of renewal, or revocation; in writing; and clearly state the basis for the appeal.

- B. The Township Board shall appoint a hearing officer who will conduct a hearing on the matter. All relevant evidence may be admissible. The hearing officer shall submit his recommendation in writing to the Township Board.
- C. The Township Board shall review the recommendation of the hearing officer prior to rendering its decision. The Township Board has the final authority over any appeal brought before it.
- D. No Facility whose License has been denied, suspended, revoked, or is otherwise not valid is permitted to operate while an appeal is pending.

Section 13. VIOLATIONS AND PENALTIES:

- A. Subject to subparagraph B of this section, any Applicant or licensee who violates this Ordinance shall be responsible for a civil infraction and subject to a civil fine not to exceed \$500 for each violation.
- B. Any person who attempts to or otherwise commits fraud or misrepresentation in the application for a Township License; operates a facility unlawfully; conducts business in such a way as to constitute a menace to the health, safety, or general welfare of the public; transfers, sells, purchases, or otherwise conveys any interest in a Township License without Township Clerk approval; shall be guilty of a misdemeanor punishable by a fine not to exceed \$500 and/or imprisonment for a period of not more than 90 days.

Article 2. Repealer.

- 1. Ordinance Number 2017- 26 entitled “A Pleasant Plains Ordinance to Allow Medical Marihuana Facilities Subject to Restrictions and Requirements” is repealed in its entirety.
- 2. Ordinance Number 2017- 27 entitled “An Ordinance to Authorize the Licensing of Medical Marihuana Facilities; to Provide Licensing Requirements and Procedures; to Establish Penalties and Procedures; and Related Matters” is repealed in its entirety.

Article 3. Severability Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable any other part or portion of this Ordinance.

Article 4. Effective Date. This Ordinance shall become effective upon the expiration of SEVEN (7) days after its publication as required by law.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

**CERTIFICATION**

It is hereby certified that the foregoing Ordinance was adopted by the Township Board for the Township of Pleasant Plains, Lake County, Michigan, at a meeting of the Township Board duly called and held on February 3, 2020.

By:

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Elizabeth Knight, Clerk