



**Medical Marihuana Facility Permit
Application**

Charter Township of Harrison

Clerk's Office

38151 L'Anse Creuse St, Harrison Township, MI 48045

Phone: (586) 466-1406

Type of Application

- New
- Renewal
- Permit Modification

Type of License(s) being Applied for

- Grower Class A
- Grower Class B
- Grower Class C
- Amount of Class C Permits
- Processor
- Safety Compliance Facility
- Secure Transporter

Permit Holder

Name

Address City State Zip

Phone Number Cell Number Email

Company Name

Proposed Facility Address

Proposed Facility Property ID Number

For Township Use Only					
Date Received		Application Number		Fire Department	Building Department
		2018-			
Time Received		Employee Initials		Planner	Treasurer
Final Disposition:					

The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility (Attach additional pages if necessary)

Full Name (First Middle Last)			
_____			_____ %
Official Position/Nature of Interest		Ownership Percentage	
Address	City	State	Zip
Phone Number	Cell Number	Email	

Full Name (First Middle Last)			
_____			_____ %
Official Position/Nature of Interest		Ownership Percentage	
Address	City	State	Zip
Phone Number	Cell Number	Email	

Full Name (First Middle Last)			
_____			_____ %
Official Position/Nature of Interest		Ownership Percentage	
Address	City	State	Zip
Phone Number	Cell Number	Email	

Full Name (First Middle Last)			
_____			_____ %
Official Position/Nature of Interest		Ownership Percentage	
Address	City	State	Zip
Phone Number	Cell Number	Email	

You must attach one copy of each 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 Commercial Medical Marihuana Facility.
- _____ 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 Facility.
- _____ 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 per permit requested
- _____ 6 Business and Operations Plan, showing in detail the Commercial Medical Marihuana 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. The name of the proposed Manager of the Medical Marihuana Facility. The days and hours the Facility will be open and or in operation.
 - _____ ii. A security plan meeting the requirements of Section 23-10(9) of this Ordinance which shall include a general description of the security systems(s) and lighting plan showing the lighting outside of the Medical Marihuana Facility 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 Commercial Medical Marihuana Facility. 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 Facility 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 Facility.
- _____ 8 A signed attestation 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 Facility (s) 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 Medical Marihuana Facility and the surrounding area that identifies that the location of the Facility lies in accordance with the Industrial Medical Marihuana Buffer Overlay District as set forth in Section 14.21 of the Harrison Township Zoning Ordinance.
- _____ 10 Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant’s involvement in each Facility.
- _____ 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 having an AM Best rating of at least A-. 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 (continued)

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.

- _____ 12 Copy of valid certificate of occupancy within the Industrial Medical Marihuana District for a caregiver operation under the Michigan Medical Marihuana Act, if applicable.

- _____ 13 If your proposed facility improves a parcel that is at least twenty five (25) acres and is North of Joy Boulevard and such improvement includes a structure that costs at least \$1,000,000, please provide documentation of such.

Release of Liability, Indemnification and Waiver

This Application or the granting of a permit hereunder is not intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana/marihuana not in strict compliance with state or federal law. Also, since federal law is not affected by state law or local ordinance, nothing in this permit application; the granting of a permit hereunder; or any Charter Township of Harrison ordinance, policy, or rule is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. State law, this permit application, or the issuance of a Township permit does not protect users, caregivers, or the owners of properties on which the medical use of marijuana/marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Upon issuance and acceptance of a permit for Marihuana Facilities and/or renewal, the undersigned individually and on behalf of _____, as its duly authorized agent, hereby unconditionally and irrevocably waives, discharges, and releases the Charter Township of Harrison, its agents, employees, and officials from any and all claims, damages, and liability in any way arising out of or related to the permitted premises including, but not limited to, issuance of a permit to permittee and any and all acts, omissions damages, or injuries to any person or property resulting from any act, omission, condition, occurrence, or criminal act occurring upon or in relation to the premises, and to indemnify, defend, and hold harmless the Charter Township of Harrison, including its agents, employees, and officials to the fullest extent permitted by law and equity for any and all claims, damages, injuries, or liabilities at law or equity in any way arising out of or related to any acts, omissions, activities, conditions, or occurrences or incidents in any way related to the premises.

Additionally, the applicant hereby agrees to not violate any of the laws of the State of Michigan or the ordinances of the Charter Township of Harrison in conducting the business in which the permit will be used, and that a violation on the premises may be cause for objecting to renewal of the permit, or for revocation of the permit. (continued)

The applicant agrees to make the premises open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. The applicant agrees to inspections by the Township Official's designee to confirm the facility is operating in accordance with applicable laws including, but not limited to, state law and local ordinances.

Authorized Signature

Title

Date

Oath of Application

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016 and the Charter Township of Harrison Ordinances which govern my Permit. I acknowledge and understand that I am required to immediately provide the Township with any changes in the information submitted with the Application or any other changes that materially affect a License or Permit if granted.

Signature of Applicant

Sworn to and subscribed before me this
_____ day of _____, 20__
Notary Public, _____
County of _____, Michigan
My Commission Expires _____

MMFLA Application Process

This policy is designed to implement the provisions of Harrison Township Ordinance 392 and 308.3 as adopted by the Board. Any terms used in this policy maintain the same definition as given in the ordinances.

APPLICATION FORM

An application form, approved by the Board of Trustees, shall be made available to interested applicants through the Township Clerk's Office. This application form may be updated by the Board as needed. The application form is attached to this policy.

APPLICATION PROCESS

The first round of applications will be accepted by the Township Clerk on May 21, 2018 at 8:00 AM through June 11, 2018 at 4:30 PM. All applications will be assigned a number by the Clerk's Office. Applications will be reviewed by the Clerk's Office for completeness, not content. Should there be any missing documentation, applicants will be given seven (7) calendar days to submit the information to complete the application packet.

The applicants will be separated in to two groups. Group 1 will be applicants who currently possess a valid certificate of occupancy within the Industrial Medical Marihuana District for a caregiver operation under the Michigan Medical Marihuana Act or who will improve a parcel that is at least twenty five (25) acres and is North of Joy Boulevard so long as such improvement includes a structure that costs at least \$1,000,000 and Group 2 will be applicants who do **not** possess a valid certificate of occupancy within the Industrial Medical Marihuana District for a caregiver operation under the Michigan Medical Marihuana Act.

If the number of applicants for any class of permit exceed the total number of permits authorized by the Township Board, the Township Clerk shall first conduct a lottery of Group 1 applicants establishing the order for eligibility for a Township permit. The Township Clerk shall then conduct a lottery of Group 2 applicants placing them in their order for eligibility for a township permit beginning after the group one applicants.

After the order is established, the Township will begin the review process of applicants as required under the ordinance. Applications who meet the standards laid out in the ordinances shall be granted a temporary permit. Applicants will receive their final permit after receipt of state approval and final buildout of the property, subject to all applicable codes and ordinances.

Should an applicant, for whatever reason, be denied the township will then move to the next eligible applicant.

If the original pool of applicants are exhausted and there are remaining permits available from the Township, the window for accepting applicants will be reopened for 30 days and the process above shall repeat.

**INTRODUCTION
CHARTER TOWNSHIP OF HARRISON
MACOMB, MICHIGAN
ORDINANCE NO. 392**

AN ORDINANCE TO ADD CHAPTER 23 OF THE CHARTER TOWNSHIP OF HARRISON, MICHIGAN CODE OF ORDINANCES TO IMPLEMENT THE PROVISIONS OF THE MICHIGAN MARIHUANA FACILITIES LICENSING ACT, PA 281 OF 2016 TO AUTHORIZE AND PROVIDE FOR THE REGULATIONS AND LICENSING OF CERTAIN MEDICAL MARIHUANA FACILITIES WITHIN THE TOWNSHIP; TO ESTABLISH THE MAXIMUM NUMBER OF PERMITS AND LOCATIONS WHERE MEDICAL MARIHUANA FACILITIES MAY BE LOCATED; TO ESTABLISH PROCEDURES FOR THE GRANTING OF PERMITS AND TO PROVIDE FOR ANNUAL FEE; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

The Charter Township of Harrison hereby ordains:

Section 1. Chapter 23 of the Charter Township of Harrison Code of Ordinances is hereby created in its entirety to read as follows:

Section 23-1. 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, Safety Compliance Facilities, Processor Facilities, and Secure Transporter Facilities to the extent permissible under the Michigan Marihuana Facilities Licensing Act (PA 281 of 2016) 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 Chapter 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 to a specific area within the Township.

It is not the intent of this Chapter to diminish, reduce, or restrict the rights of a Qualified Patient or Primary Caregiver otherwise authorized by the Michigan Medical Marihuana Act.

Section 23-2. Definitions, Interpretation and Conflicts.

For the purposes of this Chapter:

- (A) All activities related to Marihuana, including those related to a Grower Facility, Secure Transporter Facility, Processor Facility, or a Safety Compliance Facility shall be in

compliance with the rules of the Medical Marihuana Licensing Board, 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 and the Medical Marihuana Facilities Licensing Act.

- (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 Chapter, but without obtaining the required licensing set forth in this Chapter, shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this Chapter, 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 Chapter, 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 the Chapter, 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, arising out of a, claimed of have arisen out of, or in any manner connected with the operation of a Medical Marihuana Facility 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 Chapter, 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.”

“Chapter” means this Chapter 23 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.

“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.

“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 issued by the State of Michigan.

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

“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) 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.

“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.

“Medical Marihuana Facility(ies)” means any facility, establishment and/or center that is required to be licensed under this Chapter 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.

“Marihuana Board” means the Medical Marihuana Licensing Board created pursuant to Part 3 of the MMFLA.

“Ordinance” means the ordinance adopting this Chapter 23.

“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), 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 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” or “Processor Facility” means a commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

“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” means a commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.

“Secure Transporter” means a commercial entity that stores Marihuana, Marihuana infused products and transports Marihuana and Marihuana infused product between Medical Marihuana Facilities for a fee.

“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.

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

Section 23-3. Locations and Permits Authorized

- (1) The Township shall limit the number of Permits and Locations upon which Medical Marihuana Facilities are hereby authorized under this Ordinance to the following:
 - a. Grow Facility: 18 locations at which Class A, B, or C may operate.
 - b. Processor: 18 Permits
 - c. Safety Compliance Facilities 5 Permits
 - d. Secure Transporters 5 Permits

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 Grow Facility 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 23-4. Permit Required

- a. No Person shall own or operate a Medical Marihuana Facility 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 Medical Marihuana Facility shall operate pursuant to the requirements of this Chapter and shall comply at all times with the MMMA, MMFLA, 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. 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 Chapter. 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 Medical Marihuana Facilities.

- d. A Medical Marihuana Facility must be registered with the Building Department as part of its certificate 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 Medical Marihuana Facility must pass annual safety inspections for compliance with the requirement of this Chapter.
- 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 Chapter is conditioned on the approval of the Applicant by the State pursuant to the MMFLA.
- 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 Chapter may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Chapter and has been granted a Permit by the Township and approved by the State. No Permit issued under this Chapter is transferrable to any other Location.
- j. The Permit issued under this Chapter, 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 Board authorized agents. Failure to maintain or display a current Permit and License shall be a violation of this Chapter.
- 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 Facility without a search warrant, and all articles of property in that Facility at any time.

- l. No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility in a residence.
- m. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility 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 23-5. Other Laws and Ordinances

In addition to the terms of this Chapter, any Commercial Medical Marihuana Facility 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 23-6. Application for and Renewal of Permits

1. Application. An Application for a Permit for a Facility 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 Commercial Medical Marihuana Facility;
- b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
- 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 Commercial Medical Marihuana Facility.
 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 Facility.

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 Commercial Medical Marihuana 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. The name of the proposed Manager of the Medical Marihuana Facility. The days and hours the Facility will be open and or in operation.
 - ii. A security plan meeting the requirements of Section 23-10(9) of this Ordinance which shall include a general description of the security systems(s) and lighting plan showing the lighting outside of the Medical Marihuana Facility 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 Commercial Medical Marihuana Facility. 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 Facility 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 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. 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 Facility (s) 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 Medical Marihuana Facility and the surrounding area that identifies that the location of the Facility lies in accordance with the Industrial Medical Marihuana Buffer Overlay District as set forth in Section 14.21 of the Harrison Township Zoning Ordinance.
 10. Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
 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 having an AM Best rating of at least A-. 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 and the MMFLA is exempt from disclosure under the Freedom of Information Act.

2. Renewal Application. The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications 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 46th day prior to the expiration of the annual Permit or any day thereafter. A Permit Holder whose Permit expires and for which a complete 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.

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 Chapter.
- b. The Township Planner has confirmed that the proposed Location complies with the Zoning Ordinance and this Chapter.
- 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.

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 Chapter 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.

The first lottery shall be held with the pool of Approved Applications within 100 days from the effective date of this Ordinance. Thereafter, lotteries may be held within 30 day increments from the previous lottery with any Approved Applications for Permit.

4. Applications for new Permits where no building is as yet in existence. Any Applicant for a Commercial Medical Marihuana Facility 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 applicable zoning ordinances, building codes and any other applicable state or local laws, rules or regulations, and to commence business operations. The Township Clerk has the authority to extend the approval for a Permit up to (2) two year increments.

5. Duty to Supplement.

- a. If, at any time before or after a Permit is issued pursuant to this Chapter, 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, 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, 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 Medical Marihuana Facility does not commence operations within one year of issuance of a Permit, the Permit shall be deemed forfeited; the business may not commence operations and the License is not eligible for renewal.

Section 23-7. Revocation and Review

A Permit granted under this Chapter 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 Medical Marihuana Facility License
- d. Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a Permit under this Ordinance.
- e. The Medical Marihuana Facility 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 23-8. Permit and License as revocable privilege.

A Permit issued by this Chapter 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 Michigan Medical Marihuana Licensing Board is grounds for suspension or revocation of the Permit or for other sanction considered appropriate by the Township.

Section 23.9. Location Requirements

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

Section 23-10. General Operational Requirements

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

1. A Medical Marihuana Facility must obtain a state license before they can open their facility for business.
2. No person shall reside in or permit any person to reside in the Medical Marihuana Facility or Permitted Property.
3. No person under the age of eighteen (18) shall be allowed to enter into the Medical Marihuana Facility 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 Medical Marihuana Facility 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 23-6 shall be submitted to the Township when the Applicant has been notified that they have been approved for a Permit.
9. Medical Marihuana Facilities 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 facility. 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 Medical Marihuana Facility.

- 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 Facility overnight. For medical marihuana infused products that must be kept refrigerated or frozen, the Medical Marihuana Facility 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 Medical Marihuana Facility 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 Medical Marihuana Facility 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 Medical Marihuana Facility is prohibited.
 12. All activities of Medical Marihuana Facilities must occur indoors.
 13. The Facility's operation and design 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 medical 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 medical 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. Medical 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 medical marihuana. Multi-tenant industrial buildings may permit accessory uses in suites segregated from each Medical Marihuana Facilities.
20. All necessary building, electrical, plumbing, and mechanical and fire suppression permits shall be obtained from the Township for any portion of the Medical Marihuana Facility in which electrical wiring; lighting and /or watering devises

that support the cultivation, growing, harvesting, processing or secure transporting of the marihuana are located.

21. That portion of the Medical Marihuana Facility where any chemicals such as herbicides, pesticide, fertilizers are stored shall be subject to inspection and approval by the Township Fire Department to insure compliance with the applicable fire code.
22. The dispensing of medical marihuana at the Medical Marihuana Facilities shall be prohibited. No free samples of medical marihuana shall be distributed from any Medical Marihuana Facility.
23. Medical Marihuana Facilities shall be free from infestation by insects, rodents, birds, or vermin, of any kind.
24. Grow Facilities shall not produce products other than useable Medical Marihuana intended for human consumption.
25. Medical Marihuana Facilities shall be open for inspection during the stated hours of operation and as such other times as anyone is present at the Facility. No person shall refuse entry to, or in any manner interfere with the inspection of any Medical Marihuana Facility.
26. A Grow Facility may co-locate with a Processing Facility. However, each facility must acquire separate Licenses and Permits.
27. Any failure by a Permit Holder/Licensee to comply with the provisions of MMMA, MMFLA, 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 Chapter is a violation of this Chapter and is sufficient grounds for suspension and revocation of the Permit issued under this Chapter.

Section 23.11. 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:

- a. A copy of the local ordinance that authorizes the medical marihuana facility.
- b. A copy of any zoning regulations that apply to the proposed marihuana facility 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 and MMMA.

- 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 Chapter, any person, including, but not limited to, any licensee, manager or employee of a marihuana facility, or any customer of such business, who violates any of the provisions of this Chapter shall be guilty of a misdemeanor in accordance with Section 1.7 of this Code.

Section 2. 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 3. REPEAL

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

Section 4. EFFECTIVE DATE

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

Motion by Adam Wit, Clerk and second by Bill Bitonti, Trustee To introduce Ordinance 392 to add Chapter 23 of the Charter Township of Harrison, Michigan Code of Ordinances to implement the provision of the Michigan Marijuana Facilities Licensing Act, PA 281 of 2016 to provide for the regulation and licensing of certain medical marihuana facilities within the Township, to establish the maximum number of certain facilities within the Township's jurisdiction; to establish procedures for the granting of licenses; and to provide penalties for violations of the Chapter and to publish a Notice of Introduction at the Charter Township of Harrison and that the full text may be reviewed in the Clerk's Office during business hours (8:00-4:30 p.m.)

**ROLL CALL: AYES: Wit, Bitonti, Batkins, Verkest
 NAYS: Sercial, Tomenello, York
 ABSENT: None
MOTION CARRIED**

**ADOPTION
CHARTER TOWNSHIP OF HARRISON, MICHIGAN
ORDINANCE NO. 392**

AN ORDINANCE TO ADD CHAPTER 23 OF THE CHARTER TOWNSHIP OF HARRISON, MICHIGAN CODE OF ORDINANCES TO IMPLEMENT THE PROVISIONS OF THE MICHIGAN MARIHUANA FACILITIES LICENSING ACT, PA 281 OF 2016 TO AUTHORIZE AND PROVIDE FOR THE REGULATIONS AND LICENSING OF CERTAIN MEDICAL MARIHUANA FACILITIES WITHIN THE TOWNSHIP; TO ESTABLISH THE MAXIMUM NUMBER OF PERMITS AND LOCATIONS WHERE MEDICAL MARIHUANA FACILITIES MAY BE LOCATED; TO ESTABLISH PROCEDURES FOR THE GRANTING OF PERMITS AND TO PROVIDE FOR ANNUAL FEE; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER.

The Charter Township of Harrison hereby ordains:

Section 1. Chapter 23 of the Charter Township of Harrison Code of Ordinances is hereby created in its entirety to read as follows:

Section 23-1. 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, Safety Compliance Facilities, Processor Facilities, and Secure Transporter Facilities to the extent permissible under the Michigan Marihuana Facilities Licensing Act (PA 281 of 2016) 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 Chapter 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 to a specific area within the Township.

It is not the intent of this Chapter to diminish, reduce, or restrict the rights of a Qualified Patient or Primary Caregiver otherwise authorized by the Michigan Medical Marihuana Act.

Section 23-2. Definitions, Interpretation and Conflicts.

For the purposes of this Chapter:

- (I) All activities related to Marihuana, including those related to a Grower Facility, Secure Transporter Facility, Processor Facility, or a Safety Compliance Facility shall be in compliance with the rules of the Medical Marihuana Licensing Board, 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 and the Medical Marihuana Facilities Licensing Act.

- (J) 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 Chapter, but without obtaining the required licensing set forth in this Chapter, shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this Chapter, Code of Ordinances, the Township Zoning Ordinances or state law.
- (K) 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.
- (L) By accepting a Permit issued pursuant to this Chapter, 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.
- (M) By accepting a Permit issued pursuant to the Chapter, 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, arising out of a, claimed or have arisen out of, or in any manner connected with the operation of a Medical Marihuana Facility 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).
- (N) By accepting a Permit issued pursuant to this Chapter, 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.
- (O) 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.”

“Chapter” means this Chapter 23 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.

“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.

“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 issued by the State of Michigan.

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

“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) 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.

“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.

“Medical Marihuana Facility(ies)” means any facility, establishment and/or center that is required to be licensed under this Chapter 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.

“Marihuana Board” means the Medical Marihuana Licensing Board created pursuant to Part 3 of the MMFLA.

“Ordinance” means the ordinance adopting this Chapter 23.

“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), 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” or “Processor Facility” means a commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.

“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” means a commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.

“Secure Transporter” means a commercial entity that stores Marihuana, Marihuana infused products and transports Marihuana and Marihuana infused product between Medical Marihuana Facilities for a fee.

“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.

- (P) Any term defined by the MMMA or the Medical Marihuana Facilities Licensing Act and not defined in this Chapter shall have the definition given in the MMMA or the Medical Marihuana Facilities Act.

Section 23-3. Locations and Permits Authorized

- (2) The Township shall limit the number of Permits and Locations upon which Medical Marihuana Facilities are hereby authorized under this Ordinance to the following:
- e. Grow Facility/Processor: 18 Locations at which Grower Class A, B, or C may operate and Processor Permits may be located or not co-located.
 - f. Safety Compliance Facilities 2 Permits
 - g. Secure Transporters 2 Permits

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 Grow Facility 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 23-4. Permit Required

- n. No Person shall own or operate a Medical Marihuana Facility 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.
- o. A Medical Marihuana Facility shall operate pursuant to the requirements of this Chapter and shall comply at all times with the MMMA, MMFLA, MTA and the General Rules of the Department, as they may be amended from time to time.
- p. The Township shall assess an annual non-refundable Permit fee and or Renewal fee of \$5,000.00. 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 Chapter. 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 Medical Marihuana Facilities.

- q. A Medical Marihuana Facility 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 Medical Marihuana Facility must pass annual safety inspections for compliance with the requirement of this Chapter.
- r. 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 Chapter is conditioned on the approval of the Applicant by the State pursuant to the MMFLA.
- s. All Applicants for a Permit or renewal must be current on taxes and any other financial obligation to the Township
- t. 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.
- u. 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.
- v. No Permit issued under this Chapter may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Chapter and has been granted a Permit by the Township and approved by the State. No Permit issued under this Chapter is transferrable to any other Location.
- w. The Permit issued under this Chapter, 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 Board authorized agents. Failure to maintain or display a current Permit and License shall be a violation of this Chapter.
- x. 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 Facility without a search warrant, and all articles of property in that Facility at any time.

- y. No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility in a residence.
- z. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility 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 23-5. Other Laws and Ordinances

In addition to the terms of this Chapter, any Commercial Medical Marihuana Facility 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 23-6. Application for and Renewal of Permits

1. Application. An Application for a Permit for a Facility shall be submitted to the Clerk, and shall contain the following information:

- d. The name, address, phone number and email address of the Permit Holder and the proposed Commercial Medical Marihuana Facility;
- e. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
- f. 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 and Permitted Premises, authorizing the use of the Location for a Commercial Medical Marihuana Facility.
 - 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 Facility.
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 Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation the following:
 - v. A description of the type of Facility proposed and the anticipated or actual number of employees. The name of the proposed Manager of the Medical Marihuana Facility. The days and hours the Facility will be open and or in operation.
 - vi. A security plan meeting the requirements of Section 23-10(9) of this Ordinance which shall include a general description of the security systems(s) and lighting plan showing the lighting outside of the Medical Marihuana Facility 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.
 - vii. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility. A copy of a procedural plans for testing of contaminants, including mold and pesticides.
 - viii. 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 Facility 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 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. 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 Facility (s) 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 Medical Marihuana Facility and the surrounding area that identifies that the location of the Facility lies in accordance with the Industrial Medical Marihuana Buffer Overlay District as set forth in Section 14.21 of the Harrison Township Zoning Ordinance.
 12. Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
 13. 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 having an AM Best rating of at least A-. 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 and the MMFLA is exempt from disclosure under the Freedom of Information Act.

2. Renewal Application. The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications 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 44th day prior to the expiration of the annual Permit or any day thereafter. A Permit Holder whose Permit expires and for which a complete 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.

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:

- d. 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 Chapter.
- e. The Township Planner has confirmed that the proposed Location complies with the Zoning Ordinance and this Chapter.
- f. 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.

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 Chapter 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.

The first lottery shall be held with the pool of Approved Applications within 100 days from the effective date of this Ordinance. Thereafter, lotteries may be held within 30 day increments from the previous lottery with any Approved Applications for Permit.

4. Applications for new Permits where no building is as yet in existence. Any Applicant for a Commercial Medical Marihuana Facility 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 applicable zoning ordinances, building codes and any other applicable state or local laws, rules or regulations, and to commence business operations. The Township Clerk has the authority to extend the approval for a Permit up to (2) two year increments.

5. Duty to Supplement.

- d. If, at any time before or after a Permit is issued pursuant to this Chapter, 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, Permit Holder or Licensee shall supplement such information in writing within ten (10) days from the date upon which the such change occurs.
- e. 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.
- f. 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, 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 Medical Marihuana Facility does not commence operations within one year of issuance of a Permit, the Permit shall be deemed forfeited; the business may not commence operations and the License is not eligible for renewal.

Section 23-7. Revocation and Review

A Permit granted under this Chapter 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 Medical Marihuana Facility License
- d. Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a Permit under this Ordinance.
- e. The Medical Marihuana Facility 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 23-8. Permit and License as revocable privilege.

A Permit issued by this Chapter 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 Michigan Medical Marihuana Licensing Board is grounds for suspension or revocation of the Permit or for other sanction considered appropriate by the Township.

Section 23.9. Location Requirements

1. Any Grow Facility shall be located in the IND Industrial District.

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

Section 23-10. General Operational Requirements

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

1. A Medical Marihuana Facility must obtain a state license before they can open their facility for business.
2. No person shall reside in or permit any person to reside in the Medical Marihuana Facility or Permitted Property.
3. No person under the age of eighteen (18) shall be allowed to enter into the Medical Marihuana Facility 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 Medical Marihuana Facility a legible sign containing the following warning language:
 - a. The possession, use, or distribution of marihuana is a violation of federal law.
 - c. 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 23-6 shall be submitted to the Township when the Applicant has been notified that they have been approved for a Permit.
9. Medical Marihuana Facilities 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 facility. 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 Medical Marihuana Facility.
 - 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 Facility overnight. For medical marihuana infused products that must be kept refrigerated or frozen, the Medical Marihuana Facility 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 Medical Marihuana Facility 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 Medical Marihuana Facility 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 Medical Marihuana Facility is prohibited.
 12. All activities of Medical Marihuana Facilities must occur indoors.
 13. The Facility's operation and design 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 medical 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 medical 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. Medical 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 medical marihuana.

Multi-tenant industrial buildings may permit accessory uses in suites segregated from each Medical Marihuana Facilities.

20. All necessary building, electrical, plumbing, and mechanical and fire suppression permits shall be obtained from the Township for any portion of the Medical Marihuana Facility 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 Medical Marihuana Facility where any chemicals such as herbicides, pesticide, fertilizers are stored shall be subject to inspection and approval by the Township Fire Department to insure compliance with the applicable fire code.
22. The dispensing of medical marihuana at the Medical Marihuana Facilities shall be prohibited. No free samples of medical marihuana shall be distributed from any Medical Marihuana Facility.
23. Medical Marihuana Facilities shall be free from infestation by insects, rodents, birds, or vermin, of any kind.
24. Grow Facilities shall not produce products other than useable Medical Marihuana intended for human consumption.
25. Medical Marihuana Facilities shall be open for inspection during the stated hours of operation and as such other times as anyone is present at the Facility. No person shall refuse entry to, or in any manner interfere with the inspection of any Medical Marihuana Facility.
26. A Grow Facility may co-locate with a Processing Facility. However, each facility must acquire separate Licenses and Permits.
27. Any failure by a Permit Holder/Licensee to comply with the provisions of MMMA, MMFLA, 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 Chapter is a violation of this Chapter and is sufficient grounds for suspension and revocation of the Permit issued under this Chapter.

Section 23.11. 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:

- f. A copy of the local ordinance that authorizes the medical marihuana facility.

- g. A copy of any zoning regulations that apply to the proposed marihuana facility within the Township.
- h. 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 and MMMA.
- i. The Township's failure to provide information to the State Licensing Board shall not be used against the Applicant.
- j. 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 Chapter, any person, including, but not limited to, any licensee, manager or employee of a marihuana facility, or any customer of such business, who violates any of the provisions of this Chapter shall be guilty of a misdemeanor in accordance with Section 1.7 of this Code.

Section 2. 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 3. REPEAL

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

Section 4. EFFECTIVE DATE

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

Motion by Adam Wit, Clerk and second by Brian Batkins, Trustee to adopt Ordinance 392 to add Chapter 23 of the Charter Township of Harrison, Michigan Code of Ordinances to implement the provision of the Michigan Marihuana Facilities Licensing Act, PA 281 of 2016 to provide for the regulation and licensing of certain medical marihuana facilities within the Township, to establish the maximum number of certain facilities within the Township's jurisdiction; to establish procedures for the granting of licenses; and to provide penalties for violations of the Chapter and to publish a Notice of Adoption at the Charter Township of Harrison and that the full text may be reviewed in the Clerk's Office during

business hours (8:00-4:30 p.m.) with the corrections as discussed and that the ordinance is not in full effect until the zoning ordinance is also in effect.

**ROLL CALL: AYES: Wit, Batkins, Bitonti, Verkest
 NAYS: Servial, Tomenello, York
 ABSENT: None
 ORDINANCE ADOPTED**

**ADOPTION
CHARTER TOWNSHIP OF HARRISON
MACOMB COUNTY, MICHIGAN
AMENDMENT TO ZONING ORDINANCE NO. 308**

ORDINANCE NO. 308.3

AN ORDINANCE TO AMEND ARTICLE XI; XIV; XVII; XXI OF THE CHARTER TOWNSHIP OF HARRISON ZONING ORDINANCE TO ALLOW FOR CERTAIN MEDICAL MARIHUANA FACILITY(S) AS PERMITTED USES WITHIN THE INDUSTRIAL (IND) DISTRICT; PROVIDE FOR ZONING REGULATIONS FOR MEDICAL MARIHUANA FACILITIES AND PRIMARY CARE GIVER ACTIVITIES

The Charter Township of Harrison hereby ordains:

Section 1. Article XI, Section 11.19 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

A. Intent.

1. Voters in the State of Michigan approved a referendum authorizing the use of marihuana for certain medical conditions, being the Michigan Medical Marihuana Act, MCL 333.26421, et seq. ("the Act").
2. The specified intent of the Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marijuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
3. Despite the specific provisions of the Act and the activities identified in the Act, marihuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth the Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana, even for the purposes specified by the Act, may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Harrison Township.
5. Nothing in this ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow any other activity relating to cultivation/growing, distribution or consumption of marijuana that is otherwise illegal.

B. Provisioning Facility. It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana provisioning facility as defined by the Michigan Medical Marihuana Facility Licensing Act, PA 281 of 2016, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any provisioning facility in Harrison Township.

C. Registered primary caregiver. A registered primary caregiver, in compliance with the Act, the Administrative Rules promulgated by the State of Michigan (“Administrative Rules”) as amended from time to time and the requirements of this section, shall be permitted to grow marijuana as a Primary Caregiver in the IND industrial zone and Residential Zones R1; R1-A; R1-B; R1-C; R1-D; RM1; RM2, MHC as a home occupation pursuant to the requirements of Section 17.26(A1) of the Zoning Ordinance. Nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act and the General Rules. Also, since federal law is not affected by the Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the federal Controlled Substances Act.

Section 2. Article XIV, Section 14.06B5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type 1 (section 17.26A.)

Section 3. Article XIV, Section 14.06C5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type II (section 17.26A.)

Section 4. Article XIV, Section 14.07B5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type 1 (section 17.26A.)

Section 5. Article XIV, Section 14.07C5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type II (section 17.26A.)

Section 6. Article XIV, Section 14.08B4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type 1 (section 17.26A.)

Section 7. Article XIV, Section 14.08C5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type II (section 17.26A.)

Section 8. Article XIV, Section 14.09B4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type 1 (section 17.26A.)

Section 9. Article XIV, Section 14.09C5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type II (section 17.26A.)

Section 10. Article XIV, Section 14.10B4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type 1 (section 17.26A.)

Section 11. Article XIV, Section 14.10C5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type II (section 17.26A.)

Section 12. Article XIV, Section 14.11B5 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

5 Home occupation-Type 1 (section 17.26A.)

Section 13. Article XIV, Section 14.12B4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type 1 (section 17.26A.)

Section 14. Article XIV, Section 14.12C4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type II (section 17.26A.)

Section 15. Article XIV, Section 14.13B4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type 1 (section 17.26A.)

Section 16. Article XIV, Section 14.13C4 of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

4 Home occupation-Type II (section 17.26A.)

Section 17. Article XIV, Section 14.20B of the Charter Township of Harrison Zoning Ordinance is hereby amended to add a new row in the table of permitted uses as follows:

23. Medical Marihuana Facilities: Grower; Processor; Secure Transporter, Safety Compliance Facility are permitted uses in Industrial Zoned Property

north of Shook Road and subject to the Buffer District requirements set forth in Section 14.21.

Section 18. Article XIV Section 14.21 “Industrial Medical Marihuana District” of the Charter Township of Harrison Zoning Ordinance is hereby created to read as follows:

A. Intent.

The Industrial Medical Marihuana District is intended to provide opportunities for the development of certain Medical Marihuana Facilities that have been granted a Permit by the Township and have been granted a State license pursuant to the MMFLA. The Township desires to allow approved Medical Marihuana Facilities to operate exclusively within those properties zoned Industrial (IND) that are north of Shook Road and that comply with the requirements of the Buffer District, in order to limit any secondary effects of such operations.

B. Buffer District

The Buffer District is defined as the area within 500 feet of the following:

- a. any private or public preschool, elementary, secondary, vocational or trade school, college or university
- b. any public park
- c. existing licensed child care center associated with a school
- d. any existing place of worship or religious assembly
- e. any Residential Zone R1;R1-A; R1-B; R1-C; R1-D; RM1;RM2;MHC; excluding the property owned by the Federal Government and commonly known as Selfridge Air National Guard Base.

A Licensee shall not operate a Medical Marihuana Facility within the Buffer District.

C. General Provisions

1. A Licensee shall not operate a marihuana facility at any place in the Township other than the address provided in the application on file with the Township Clerk.

2. A Licensee shall operate the Medical Marihuana Facility in compliance with all applicable State and Township regulations for that type of Medical Marihuana Facility.

3. The distance requirements described in the Buffer District shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in Section 14.21B to the nearest portion of the building, structure, or unit in which a medical marihuana facility is located.

Section 19. Article XVII, Section 17.26 (A) of the Charter Township of Harrison Zoning Ordinance is hereby amended to read as follows:

A. Home occupations Type I may be permitted in a residential district. Home offices that do not result in more traffic than is normal for residential districts shall be considered a permitted use and do not require special land use approval. Type I home occupations must register the location of the home occupation with the Township Building Department. All other home occupation requests shall be subject to the requirements of section 17.26B. No person other than members of the family residing on the premises shall be engaged in such occupation.

A1. Primary Caregiver Activities are permitted as home occupations as set forth in Section 11.19 of the Zoning Ordinance and are required to register the location of the grow activity with the Harrison Township Building Department and comply with the following requirements:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Community Health or the Michigan Department of Licensing and Regulatory, as they may be amended from time to time;
2. A registered primary caregiver located within any Residential Zone or MHC Zone must be located outside of a 1,000-foot radius from any school or child care or day care facilities operated by a school; to insure community compliance with federal “drug-free school zone” requirements, playground, or housing facility owned by a public housing authority or public library or private library open to the public, nor within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
3. All medical marijuana shall be contained within an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or registered qualifying patient.
4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located;
5. That portion of the structure where energy usage and heat exceeds typical use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Harrison Township Fire Department to insure compliance with the Michigan Fire Protection Code.
6. The separation of plant resin from a marihuana plant by butane extraction in any public place, a motor vehicle, inside a residential structure or the curtilage of a residential structure is prohibited.
7. If a room with windows is utilized as a marihuana-growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. If the primary caregiver is not the owner of the premises, then either written consent must be obtained from the property owner to ensure the owner’s knowledge of the use of the premises as

permitted by this section or the primary caregiver shall maintain written proof that the use of the property as a home occupation under this section is not prohibited by the property owner.

9. No person other than the primary caregiver shall be engaged or involved in the growing, processing, dispensing, delivery, or handling of marijuana, except to the extent that the primary caregiver lawfully transfers medical marijuana to a qualifying patient to whom the primary caregiver is linked through the state registration system.

10. Use of the primary caregiver's residential dwelling for medical marijuana related purposes shall be clearly incidental and subordinate to its use for residential purposes. Not more than 25% of the gross finished floor area of the dwelling including the basement if any in single family dwellings, or 200 square feet of floor area of the dwelling, whichever is less, shall be used for the growing, processing, and handling of medical marijuana. Any modifications to the dwelling made for the purpose of cultivating medical marijuana shall comply with all applicable building, electrical, mechanical, and fire safety code requirements, including all requisite permit applications and related inspections. No part of an accessory building, detached garage, pole barn, or similar building or structure shall be used for the growing, processing, or distribution of medical marijuana unless such building or structure has been inspected and approved for the building, electrical, mechanical, and fire safety requirements of such use and fits the definition of an enclosed, locked facility. Use of the accessory building, detached garage, pole barn or similar building used for the growing, processing and handling of medical marijuana shall be limited to no more than 25% of the gross floor area of same.

11. There shall be no visible change to the outside appearance of the primary caregiver's residential property or accessory structure or other visible evidence of the conduct of the medical marijuana operation occurring on the property.

12. No equipment or process shall be used in growing, processing, or handling medical marijuana which creates noise, vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses at or beyond the property line of the primary caregiver's residential property. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises or causes fluctuation of line voltage off the premises.

13. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Code of Ordinances, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act, since federal law is not affected by the Act or the General Rules of the Michigan Department of Community Health, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this Zoning Ordinance nor the Act protects user, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substance Act.

14. The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.

Section 20. Article XXI, Section 21.02 of the Charter Township of Harrison Zoning Ordinance is hereby amended to add the following definitions in proper alphabetical order:

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

“Marihuana” shall have the meaning given to it in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCLE 333.7106.

“Medical Use of Marihuana” means that term as defined in the Medical Marihuana Act, MCL 333.26423

“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.

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

“Marihuana Board” means the Medical Marihuana Licensing Board created pursuant to Part 3 of the MMFLA.

“Medical Marihuana Facility” or “Facility” means one of the following:

- a. “Grower”. As that term is defined in the MMFLA
- b. “Processor”. As that term is defined in the MMFLA
- c. “Provisioning Facility”. As that term is defined in the MMFLA
- d. “Safety Compliance Facility”. As that term is defined in the MMFLA
- e. Secure Transporter. As that term is defined in the MMFLA

“Marihuana Infused Product” means that term as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27102.

“Patient” means a “registered qualifying patient or a “visiting qualifying patient as those terms are defined by the Michigan Medical Marihuana Act, MCL 333.26423.

"Primary Caregiver Operation" means a location where a Primary Caregiver can lawfully operate as permitted by the Medical Marihuana Act and this Ordinance. A Primary Caregiver Operation is not a Medical Marihuana Facility.

Section 21 . 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 22 . REPEAL

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

Section 23 . EFFECTIVE DATE

This Ordinance shall be effective seven (7) days from the date of publication hereof.

Motion by Larry Tomenello, Trustee and second by Bill Bitonti, Trustee to adopt the Zoning Ordinance amendment to amend Article XI; XIV; XVII; XXI of the Charter Township of Harrison Zoning Ordinance to allow for certain medical marihuana facility(s) as permitted uses within the Industrial (IND) District; provide for zoning regulations for medical marihuana facilities and primary care giver activities and to publish a Notice of Adoption at the Charter Township of Harrison and that the full text may be reviewed in the Clerk's Office during business hours (8:00-4:30 p.m.) with changes as discussed.

**ROLL CALL: AYES: Tomenello, Bitonti, Batkins, Wit, Verkest
 NAYS: Servial, York
 EXCUSED: None
 ORDINANCE ADOPTED**