Charter Township of Orion

Ordinance No. 154

Licensed Marihuana Facilities Ordinance

Adopted November 6, 2017

AMENDED
October 4, 2021
AN ORDINANCE TO PROVIDE FOR THE REGULATION OF LICENSED MARIHUANA FACILITIES AND REGISTERED CAREGIVER OPERATIONS; TO DEFINE WORDS; TO AUTHORIZE THE OPERATION OF AND PROVIDE REGULATIONS FOR LICENSED MARIHUANA FACILITIES IN THE CHARTER TOWNSHIP OF ORION PURSUANT TO PUBLIC ACT 281 OF 2016, AS MAY BE AMENDED AND INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ. AS MAY BE AMENDED; TO PROVIDE FOR AN ANNUAL FEE; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

ARTICLE I – INTERPRETATION AND CONFLICTS

1. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“MMMA”), and the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq., as amended (“MMFLA”), and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq., as amended (“MRTMA”) shall have the definition given in the Act, as amended. If the definition of a word or phrase set forth below conflicts with the definition in the MMMA, MMFLA, or MRTMA, or if a term is not defined but is defined in the MMMA, MMFLA, or MRTMA, then the definition in the MMMA, MMFLA, or MRTMA shall apply.

2. All activities related to Licensed Marihuana Facilities, including those related to a Medical or Recreational Marihuana Cultivation/Grower Facility, Secure Transporter, Processor, Provisioning Center, or a Safety Compliance Facility, shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs, MRA, or any successor agency, and the rules, ordinances, and regulations of the Charter Township of Orion.

3. Any use which purports to have engaged in the cultivation, processing, or sale of medical or recreational marihuana into a usable form, or the distribution or testing of marihuana without obtaining the required licensing set forth in this Ordinance, shall be deemed not to be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State law.

4. The Township recognizes and intends to follow, and be consistent with, all State laws, rules, or regulations adopted, now and in the future, by the State of Michigan and/or Department of Licensing and Regulatory Affairs (LARA). This Ordinance, without amendment, may be interpreted to allow and permit any State or LARA approved law, rule, or regulation, as currently exists, or as adopted in the future.

5. The purpose of this Ordinance is to implement reasonable regulations for authorized Licensed Marihuana Facilities and Registered Primary Caregiver Operations consistent with the provisions of the MMMA, MMFLA, and MRTMA so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which such facilities and operations can be conducted in the Township.

ARTICLE II – DEFINITIONS

The following terms shall have the definitions given:

1. “Annual Fee” means the non-refundable annual fee of up to Five Thousand Dollars ($5,000.00) as set by Resolution of the Orion Township Board of Trustees which the Township shall assess on an annual basis to defray the cost of administration and enforcement of this Ordinance.

2. “Applicant” means a person or legal entity who applies for a permit under this Ordinance.

3. “Application” means the Application prepared by the Township for the use of an Applicant under this Ordinance. An Application shall be prepared by the Building, Planning, and Zoning Director or Township Supervisor and made available on the Ordinance Effective Date.

4. “Application Fee” means a non-refundable, one-time application fee of up to Five Thousand Dollars ($5,000.00) as set by Resolution of the Orion Township Board of Trustees and that the Applicant shall submit concurrent with its initial submission of any individual Application under this Ordinance for the processing of an Application which may include, among other things, Planning and Zoning Department review, inspections, investigation, and public hearings.
5. “Authorized Signer” means the party that signs the Application: if the Applicant is an individual, by the individual; if the Applicant is a limited liability company or a corporation, by an authorized agent.

6. “Effective Date” means the date this Ordinance becomes effective, which shall be the earlier of fifteen (15) days from the date of adoption, or upon certification of the Minutes of the meeting at which this Ordinance was adopted.

7. “Excise Fund Fee” means money due the Township from the Medical Marihuana excise fund under MCL333.27101 of the MMFLA by the State of Michigan.

8. “Grower,” as that term is defined in PA 281 of 2016, MCL333.27101 et seq., 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.

9. “Licensed Marihuana Facility” or “Facility” means the building, buildings, or parcel in or on which the Permit Holder shall operate as a medical or recreational marihuana Grower, Processor, Secured Transporter, Medical Marihuana Provisioning Center, Registered Primary Caregiver Operation, or Safety Compliance Facility under the Act.

10. “Marihuana-Infused Product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

11. “Marihuana Regulatory Agency,” or “MRA,” means the agency responsible for issuing licenses to medical and recreational marihuana facilities.


15. “Registered Primary Caregiver” means a Primary Caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

16. “Registered Primary Caregiver Operation” or “Caregiver Operation” means the location where a Registered Primary Caregiver in possession of a valid registry identification card is permitted to assist a qualifying patient to whom he or she is connected through the Michigan Department of Community Health’s registration process with the medical use of marihuana.

17. “Permit” or “License” shall be used interchangeably and is the formal document of approval issued by the Township under this Ordinance.

18. “Permit Holder” or “Licensee” is a Person who holds a Permit/License issued pursuant to this Ordinance for the purpose of securing a State Operating License under the Act.

19. “Person” for the purposes of this Ordinance is any natural person or business entity formed for the purpose of, or having an interest in, a Permit issued pursuant to this Ordinance.

20. “Processor” shall have the same meaning as the term defined in PA 281 of 2016, MCL 333.27101 et seq., and Initiated Law 1 of 2018 MCL 333.27953 et seq. PA 281 of 2016, MCL 333.27101 et seq., shall apply to medical marihuana facilities; and Initiated Law 1 of 2018 MCL 333.27953 et seq., shall apply to recreational marihuana facilities.

21. “Provisioning Center” or “Medical Marihuana Provisioning Center” means a Licensed Facility located in Michigan that purchases marihuana from a Grower or Processor and sells, supplies, or provides medical marihuana to qualifying patients directly or through the patients’ primary caregivers, and includes any location where medical marihuana is sold at retail only to qualifying patients or primary caregivers.

22. “Safety Compliance Facility” shall have the same meaning as the term as defined in PA 281 of 2016, MCL 333.27101 et seq., and Initiated Law 1 of 2018, MCL 333.27953 et seq. PA 281 of 2016, MCL 333.27101 et seq., shall apply to medical marihuana facilities, and Initiated Law 1 of 2018, MCL 333.27953 et seq., shall apply to recreational marihuana facilities.
23. “Secured Transporter” shall have the same meaning as the term as defined in PA 281 of 2016, MCL 333.27101 et seq., and Initiated Law 1 of 2018, MCL 333.27953 et seq., and PA 281 of 2016, MCL 333.27101 et seq., shall apply to medical marihuana facilities, and Initiated Law 1 of 2018, MCL 333.27953 et seq., shall apply to recreational marihuana facilities.

24. “State Operating License” means a license issued by LARA that allows the licensee to operate as, among other things, a medical or recreational Grower, Processor, Secured Transporter, or Safety Compliance Facility.


26. All other terms used in this Chapter have the same definitions ascribed to them in the Act.

ARTICLE III – OPT-IN PROVISION

Pursuant to Section 205(1) of the Act, by the adoption of this Ordinance, the Township authorizes and regulates the following marihuana activities and/or facilities for operation within the municipality within the Industrial Park (“IP”) Zoning District: Grower, Processor, Safety Compliance Facility, Medical Marihuana Provisioning Center, Caregiver Operations, and Secured Transporter.

ARTICLE IV – PROHIBITION OF CERTAIN LICENSED MARIHUANA FACILITIES

The Charter Township of Orion hereby prohibits all recreational marihuana retail (recreational dispensaries) facilities from operating within the boundaries of the Township pursuant to Initiated Law 1 of 2018, Proposal 1 of 2018, as may be amended. As such, RecreationalMarihuana Retailer Licensees may not sell or conduct a retail business within the Township. In addition, the Township opts out of the following State licenses: Type A & B Marihuana Growers Licenses under the MMFLA and MRTMA, Marihuana Event Organizer License, Temporary Marihuana Event, and Designated Consumption Establishment. None of these Licensed Facilities may operate within the boundaries of the Township; however, all other licenses and uses allowed under the Initiative Law of 2018, Proposal 1 of 2018, shall be permitted.

ARTICLE V – PERMIT REQUIREMENTS

1. Any Person or entity who wishes to operate as a licensed Grower, Processor, Safety Compliance Facility, Medical Marihuana Provisioning Center, Caregiver Operation, or Secured Transporter in the Township shall obtain a Permit issued under this Ordinance and must obtain the applicable State Operating License.

2. The Application shall be signed by an Authorized Signer and is subject to an Application Fee.

3. All Permits issued under this Ordinance shall be subject to an Annual Fee.

4. Through its Board of Trustees, the Township may limit the number of locations issued under this Ordinance and may revise this limit from time to time by Board resolution. As of the Effective Date, the following number of locations may be issued under this Ordinance: twelve (12) Class C Growers; four (4) Medical Marihuana Provisioning Centers; four (4) Safety Compliance Facilities; and four (4) Secured Transporters. The number of processor permits shall be limited to those facilities that can demonstrate compliance with the setback and zoning requirements set forth under the Township’s Zoning Ordinance. There is no limit on the number of Caregiver Operations which may operate within the Township.

5. No Person or entity may open or operate a Facility or Caregiver Operation doing business or purporting to do business under this Ordinance without first obtaining a Permit.

6. A Person or entity who receives a Permit under this Ordinance shall display his/her Permit and State Caregiver, Medical, and/or Recreational Marihuana Facility License in plain view and clearly visible to Township officials and the Marihuana Regulatory Agency’s authorized agents.

7. The term of each Permit shall be one (1) year and is renewable unless revoked under Article XI or due to a violation of State law or this Ordinance existing at the time of renewal.

8. No Person or entity wishing to operate a Licensed Marihuana Facility under this Ordinance may apply, nor be granted, any tax abatement or other personal or real tax decrease or advantage under any Orion Township Ordinance, policy, or procedure.
Upon the filing of an Application, the Permit Applicant voluntarily waives any right to apply for tax abatement or other incentives for property tax reduction.

ARTICLE VI – LOCATION REQUIREMENTS

1. The Facility or Caregiver Operation must be located in the Township’s IP (Industrial Park District) zoning district.

2. The Facility or Caregiver Operation cannot be within one thousand five hundred (1,500) feet of a “church” in the Township.

3. The Facility or Caregiver Operation cannot be within one thousand (1,000) feet of a residence located in an R-1, R-2, R-3, SF, SE, SR, RM, or MHP zoning district.

4. The Facility or Caregiver Operation cannot be within two thousand five hundred (2,500) feet of a registered “school” within the Township.

5. The Facility or Caregiver Operation shall not have an ingress or egress on a street or road that has an average traffic volume in excess of six thousand (6,000) vehicles per day, as calculated by averaging the three (3) most recent Average Annual Daily Traffic (AADT) counts (as available), as reported by Southeast Michigan Council of Governments (SEMCOG).

6. The Facility or Caregiver Operation shall not have an ingress or egress on a street or road that directly also serves as an ingress or egress to a residential road or property located in an R-1, R-2, R-3, SF, SE, SR, RM, or MHP zoning district.

7. Distances specified in this Ordinance shall be measured from building edge to building edge.

8. If the Facility or Caregiver Operation needs a variance from what is set forth in Article VI, Sections one (1) through six (6) above, the Applicant may submit a formal request for a variance to the Zoning Board of Appeals (the “ZBA”).

9. Growers, Processors, Safety Compliance Facilities, Caregiver Operations, and Secured Transporters may operate within the same building. A Medical Marihuana Provisioning Center may not operate within the same building as any other Licensed Facility, except for a Processor associated with the Medical Marihuana Provisioning Center.

10. The location shall meet all applicable Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the MRA.

11. The Facility or Caregiver Operation location shall conform to all standards of the zoning district in which it is located.

12. If the Facility or Caregiver Operation location is currently vacant land, the Applicant must submit a proposed site plan and proposed building plans with the Application.

13. No Person shall reside in, or permit any person to, reside in the Facility or Caregiver Operation or the grounds of the Facility/Operation.

14. Based upon an Application for, or amendment of, a Conditional Rezoning, Planned Unit Development, or other use Development Agreement of sufficient specificity, it is within the sole discretion and judgment of the Township Board of Trustees to consider and waive any or all of the Location Requirements of this Article VI based upon any or all of the following factors:

   a. The location of the proposed development or use meets the underlying purpose and intent of protecting the public’s health and safety and is of such a unique character or unusual circumstances that its approval would be of similar impact as other approved locations, would not diminish in any substantial way the underlying purpose of the location requirements, and no other reasonable grounds exist for denial of its approval;

   b. The location of the proposed development has a unique characteristic or barrier of such significance that one or more of the location requirements is rendered so insignificant or moot that allowing the proposed use would continue to satisfy, and not diminish in any substantial way, the purpose or health and safety concerns of this Ordinance;

   c. Where denial of a Development or use under this Ordinance would violate any law or Court Order, would constitute an error at law, or would otherwise uphold and enforce a location requirement that has been ruled illegal or unenforceable by any Court, Administrative Proceeding, or any Legislative law, regulation, or action; and
d. The above waiver of location requirements shall have no effect on the prohibition on recreational marihuana retail (dispensaries) facilities which remain prohibited under this Ordinance and are not subject to waiver by the Board of Trustees or any other Board, Commission, or Officer of the Township. Except as provided by law, the Board of Trustee’s decision on any location waiver is discretionary within the standards set forth herein and is a final decision and not appealable to any Township Board or Commission. It is the intent of this Ordinance to only approve a location waiver in unique and rare circumstances where no substantial public benefit is derived from its denial.

ARTICLE VII – APPLICATION PROCEDURE

1. All Permit Applicants required by this Ordinance shall file an application with the Township Clerk. While this Article is intended to set forth the application process and timeline, no failure of the Township or its Clerk to act shall result in the approval of a Permit. Rather, an Applicant may appeal to the Township Board of Trustees for any alleged failure to act or timely Act under this Ordinance. The Board of Trustees will take action on the appeal within thirty (30) days.

   a. The Clerk shall promptly review the Application for defects and notify Applicant in writing within five (5) business days of submission whether the Application is complete or requires additional information;

   b. If the Application is complete, within seven (7) business days, the Clerk shall forward the complete Application for review by the appropriate representatives of the Township’s Planning and Zoning, Building, and Fire Departments;

   c. If the Application is incomplete, the Applicant shall have thirty (30) calendar days from receipt of the written notice of any defect to supplement the Application for the purpose of curing any defect. Within five (5) business days of receiving the Applicant’s supplementation, the Clerk shall either give written notice to the Applicant that additional information is required or shall forward the Application for review as set forth in Section 1(b) above;

   d. The Planning and Zoning Department shall confirm the Facility is located within the requirements of Article VI (Location Requirements);

   e. The Building Department shall confirm the existing building for the Facility has a Certificate of Occupancy, or shall give approval based on the proposed site plan and building plans submitted, and shall be conditioned on the future permitting and construction of all structures for the Facility in accordance with the Orion Township Building Code and Ordinances;

   f. All facilities under this Ordinance must receive approval of its permit application from the Township’s Planning Commission by a majority vote of those members present;

   g. The Fire Department shall issue a report and guidance to the Planning Commission regarding any material issues concerning the specific location of the Facility and any impact on the health and safety of Township residents;

   h. The above-referenced Township departments shall make a recommendation to the Planning Commission within twenty (20) calendar days of submittal of the Application;

   i. A review of the Application by the Planning Commission shall occur within thirty (30) calendar days after receipt of the Application and Township department reviews;

   j. The Planning Commission shall consider the Application at a public meeting without requiring a formal public hearing or notice thereof;

   k. A Permit shall be approved if it meets the Township requirements under this Ordinance, and a Permit may be issued subject to further permitting and building approvals; and

   l. Prior to the expiration of the thirty (30) calendar days for review by the Planning Commission set forth above, the Planning Commission may request that the Applicant provide any additional information required by the Act, this Ordinance, or any other reasonable information deemed by the Township to be required for the consideration of a Permit; including, but not limited to, a complete proposed site plan, interior diagram, and summary of basic daily operations.
2. On or about December 15, 2017, the Township Clerk, or a Township designee, shall notify and file with the State this authorization and approval under the Act. Thereafter, upon request of the State Medical Marihuana Licensing Board, within ninety (90) days of an Application under this Ordinance being filed with the Township, the Township Clerk, or a designee, shall provide the following to the State Medical Marihuana Licensing Board:

   a. A copy of this Ordinance;

   b. A copy of the applicable zoning regulations that apply to the Applicant’s Facility;

   c. A description of any violation or non-compliance with any Township Ordinance or applicable zoning regulations by the Applicant, but only if the non-compliance or violations related to activities Licensed under the Act or the MMMA have not been cured in accordance with this Ordinance; and

   d. The Clerk shall give notice to the Applicant of any reported non-compliance or violation.

ARTICLE VIII – LICENSED MARIHUANA FACILITY LICENSE APPLICATION

As needed, and in a timely manner, the Board of Trustees will adopt by resolution the Application for Permit under this Ordinance.

ARTICLE IX – MINIMUM OPERATIONAL STANDARDS FOR LICENSED MARIHUANA FACILITIES AND CAREGIVER OPERATIONS

1. The following minimum standards for Licensed Marihuana Facilities and Caregiver Operations shall apply:

   a. The Licensed Marihuana Facility and Caregiver Operations shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act (MMMA), the Michigan Regulation and Taxation of Marihuana Act (MRTMA), and the general rules of the Department of Licensing and Regulatory Affairs (LARA), as they may be amended from time to time. Provisioning centers shall be limited to the hours of 9:00 am to 10:00 pm;

   b. Consumption and/or use of marihuana shall be prohibited at any Facility;

   c. Except as permitted by the MRA, all sales activity related to the Facility shall be conducted indoors;

   d. All Licensed Marihuana Facilities and Caregiver Operations shall be contained within the building in a locked Facility in accordance with the Michigan Medical Marihuana Facilities Licensing Act and the Michigan Regulation and Taxation of Marihuana Act, as amended;

   e. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for all portions of the structure in which electrical wiring, lighting, and/or watering devices are located;

   f. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Orion Township Fire Department to ensure compliance with the Michigan Fire Protection Code;

   g. There shall be no other accessory uses permitted within the same Facility other than those associated with cultivating, processing, transporting, or testing medical marihuana;

   h. 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;

   i. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

   j. 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 development of waste odor and minimize the potential for waste becoming an attractant, harborage, or breeding places for pests;
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k. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition;

l. Each Facility and Caregiver Operation shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;

m. No Licensed Marihuana Facility or Caregiver Operation shall be operated in a manner creating excessive noise, dust, vibrations, glare, fumes, or odors detectible to the normal senses beyond the boundaries of the property on which the Medical Marihuana Facility operates or in violation of any other Ordinance;

n. All disposal systems for spent water and spent soil shall be approved by the Township; and

o. Licensed Facilities and Caregiver Operations shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate twenty-four (24) hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of thirty (30) days.

2. Except for Provisioning Centers, exterior signage or advertising identifying the Facility as a medical marihuana Facility shall be prohibited. Provisioning Centers shall be subject to the Township Ordinances regarding retail signage.

ARTICLE X – STANDARDS APPLICABLE TO MEDICAL MARIHUANA PROVISIONING CENTERS

1. The intent in adopting this Ordinance is to authorize a limited number of Facilities to be licensed in the Township to provide safe and more conveniently available Medical Marihuana for Township residents that are qualifying patients or primary caregivers. The Township also intends to recognize and address local impacts on the Township, its residents, and property, and to protect the public it serves. In addition to the provisions set forth in Article IX, this Article shall also apply to Medical Marihuana Provisioning Centers. This Article shall not apply to other Licensed Marihuana Facilities or Caregiver Operations.

2. Notwithstanding anything to the contrary set forth in Section VII, the Permit procedure for a Medical Marihuana Provisioning Center involves four (4) stages which are: (i) Application to Township Clerk; (ii) Application review and processing by Township personnel; (iii) Decision on the Permit Applications by Township Board and issuance of all Permits on a date to be set by the Board of Trustees that is within thirty (30) days after the end of the Application submission period; and (iv) site plan approval as set forth herein and in accordance with Township’s process and procedures set forth in its Zoning Ordinance.

3. The Application for Medical Marihuana Provisioning Center Permits shall be open for a limited period, on a date to be set by the Orion Township Board of Trustees and ending thirty (30) days thereafter.

4. All Medical Marihuana Provisioning Centers are required to have submitted a proposed site plan to the Township in accordance with Article VII with its Permit Application. In reviewing and acting on Applications for Facility licenses under this Ordinance, the Township Board shall base its decisions on the standards outlined under this Ordinance and one or more of the following criteria:

   a. Applicants who have submitted a proposed site plan with this Permit Application for the proposed construction of a new building on a vacant parcel to operate the Facility will be given higher priority over applicants proposing to use an existing structure;

   b. The content, completeness, and sufficiency of the information contained in the Application;

   c. Whether the proposed Facility meets the criteria set forth in Article VI of this Ordinance;

   d. Whether the proposed Facility will be consistent with land use for the surrounding neighborhood and not have a detrimental effect on public safety;

   e. Whether the Applicant has submitted a proposed site plan to the Township with its Application for the construction of a new building on a vacant parcel to operate the Facility;

   f. Except as set forth in Article VI.9, the proposed Facility shall be located in a stand-alone building;
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g. Whether the Applicant and its personnel demonstrated that it possesses the skills, experience, and qualifications to construct, operate, and maintain the proposed Facility based upon demonstrated cannabis experience within the Township;

h. Whether the Applicant is prequalified by the MRA under the MMFLA;

i. If applicable, whether the Applicant provides all necessary permissions from its landlord, property owner, and/or any other permissions necessary for the Applicant to operate the proposed Facility at its proposed site;

j. The period of time needed for the Facility to be operational and licensed by the State will be considered;

k. Whether the Applicant has provided an explanation with supporting factual data if applicable, of potential community benefits, including but not limited to, the following: economic benefits to the Township and its residents; plans for community outreach such as contributions to organizations that provide community drug awareness and education programs; and commitment to philanthropic or charitable activities of the Applicant within the Township; and

l. Other criteria indicated as being important for consideration by any appropriate department of the Township or Board members.

ARTICLE XI - REVOCATION OR DENIAL OF RENEWAL

1. A Permit issued under this Chapter may be revoked after a hearing at which the Orion Township Board of Trustees determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the Permittee at least ten (10) days prior to the date of the Hearing, by first-class mail to the address given on the License Application or any address provided as a contact.

2. A Permit issued under this Ordinance may be revoked or not renewed based on any of the following:

   a. Violation of this Ordinance as determined by a Court of law or the Orion Township Board of Trustees;

   b. Any conviction of or release from incarceration for a felony under the laws of this State, any other state, or the United States, within the past ten (10) years by the Applicant, or any stakeholder of the Applicant, as measured from the date of the Application, or the date of becoming a stakeholder, whichever occurs later, or while permitted under this Ordinance; or any conviction of a substance-related felony by the Applicant or any stakeholder of the Applicant at any time, or while permitted under this Ordinance;

   c. Commission of fraud or misrepresentation or the making of a knowingly false statement by the Applicant or any stakeholder of the Applicant while engaging in any activity for which this Ordinance requires a Permit;

   d. The Licensed Marihuana Facility is determined by the Township to have become a public nuisance;

   e. A material pattern of willful and knowing violations of this Ordinance;

   f. A material pattern of willful and knowing violations of any other Ordinance, regulation, or policy whether now enacted, or to be in the future, which the Township has the authority to enact and is mandated to enforce;

   g. Failure to pay the Annual Fee when due;

   h. Failure to pay the money owed to the State of Michigan under the Medical Marihuana Excise Fund pursuant to MCL333.27101 of the MMMA, if any;

   i. A loss of License after a final determination by the State Marihuana Regulatory Agency; and

   j. Failure of a leased or existing Facility to become fully operational within six (6) months of being granted a State License under the MMFLA. In the case of new construction, the Applicant must obtain a final site plan approval within twelve (12) months and completion of construction within eighteen (18) months of being granted a State License under the MMFLA. Except as: i) permitted by the MRA; ii) set forth herein; and iii) as otherwise reasonable or necessary, a Permit under this Ordinance may be subject to non-renewal if the Licensed Marihuana Facility is not operational and has continuously been operational at the time of renewal.

Revised 09/28/21

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ARTICLE XII – PENALTIES

1. The Township may require an Applicant or Licensee of a Licensed Marihuana Facility to produce documents, records, or any other material pertinent to the investigation of an Application or alleged violation of this Ordinance or State law. Failure to provide the required material may be grounds for Permit denial, revocation, or suspensions.

2. Any person in violation of any provision of this Ordinance or any provision of a Permit issued under this Ordinance is responsible for a misdemeanor, punishable by a fine of up to five hundred dollars ($500.00), plus cost of prosecution, ninety (90) days imprisonment, or both, for each violation. This Section is not intended to prevent enforcement of any provision of any other Ordinances or State law.

3. All fines imposed under this Ordinance shall be paid within forty-five (45) days after the effective date of the Order imposing the fine or as otherwise specified in the Order.

4. The Township Supervisor may temporarily suspend a Licensed Facility License without a hearing if the Township Supervisor finds that the public’s safety or welfare requires immediate action. The Township Supervisor shall cause the temporary suspension by issuing a Suspension Notice.

5. If the Township Supervisor temporarily suspends a Permit without a Hearing, the Permittee is entitled to a hearing within ten (10) days after the Suspension Notice has been issued. The Hearing shall be limited to the issues cited in the Suspension Notice; and

6. If the Township Board of Trustees does not hold a hearing within ten (10) days after the date the Suspension Notice was issued, then the suspended License shall be automatically reinstated and the suspension vacated.

ARTICLE XIII – SAVINGS CLAUSE

Nothing in this Ordinance hereby adopted shall be construed to affect any just or legal right or remedy of any Chapter, nor shall any just or legal right or remedy of any Chapter be lost, impaired, or affected by this Ordinance.

ARTICLE XIV – SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any Article, Chapter, Section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance, which shall continue in full force and effect. In the event of a final court decision, Michigan Department of Licensing and Regulatory Affairs Ruling, or any other Legislative action, which specifically and legally prohibits the limited prohibition on retail sale as stated in Article III above, this Ordinance shall be interpreted as a complete opt-out and prohibition of all recreational marihuana establishments within the Township pursuant to Initiated Law 1 of 2018, Proposal 1 of 2018, as may be amended.

ARTICLE XV – EFFECTIVE DATE

This Ordinance shall be published in a newspaper of general circulation in the Township of Orion and shall become effective upon publication, as provided by law.