

# **Charter Township of Orion**

## **Ordinance No. 154**

### **Licensed Marihuana Facilities Ordinance**

Adopted November 6, 2017

#### **AMENDED**

September 16, 2019

October 4, 2021

July 18, 2022

September 19, 2022

**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, INCLUDING ORDINANCE NO. 156, 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 Adult-use Marihuana Cultivation/Grower Facility, Secure Transporter, Processor, Provisioning Center/Marihuana Retailer 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 adult-use 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 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. “Licensed Marihuana Facility” or Facility means the building, buildings or parcel in or on which the Permit Holder shall operate as a medical or adult-use marihuana Grower, Processor, Secure(d) Transporter, Medical Marihuana Provisioning Center/Marihuana Retailer, Registered Primary Caregiver Operation or Safety Compliance Facility as those terms are defined under the MMA, MMFLA, and MRTMA, as may be amended.
9. “Marihuana Grower” as that term is defined in the MMFLA (PA 28 of 2016, MCL 33.27101 *et seq.*, as may be amended) and MRTMA (Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended).
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 Microbusiness” as that term is defined under MRTMA Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.
12. “Marihuana Regulatory Agency” or MRA means the agency responsible for issuing licenses to medical and adult-use marihuana facilities.
13. “Marihuana Retailer” as that term is defined under MRTMA Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended that may only operate in a location where a Medical Marihuana Provisioning Center has been approved by the State of Michigan and Orion Township.
14. “MMMA” means the Michigan Medical Marihuana Act of 2008, *MCL 333.26421 et seq.*
15. “MMFLA means the Michigan Marihuana Facilities Licensing Act, PA 28 of 2016, MCL 33, 27101 et seq.
16. “MRTMA” means the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.
17. “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.
18. “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.
19. “Permit” or “License” shall be used interchangeably and is the formal document of approval issued by the Township under this Ordinance.
20. “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.
21. “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.
22. “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 adult-use marihuana facilities.

23. “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.
24. “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 adult-use facilities.
25. “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 adult-use marihuana facilities.
26. “State Operating License” means a license issued by LARA that allows the licensee to operate as, among other things, a medical or adult-use Grower, Processor, Secured Transporter or Safety Compliance Facility.
27. “Township” shall mean the Charter Township of Orion.
28. All other terms used in this Chapter have the same definitions ascribed to them in the Act.

### **ARTICLE III – APPROVED LICENSED MARIHUANA FACILITIES**

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: Marihuana Grower, Marihuana Processor, Safety Compliance Facility, Medical Marihuana Provisioning Center, Caregiver Operations, Secured Transporters, and Marihuana Retailer subject to the provisions set forth herein.

Any person or entity who has obtained all applicable licensing and approvals from the State of Michigan and obtained a permit under this Ordinance for the operation of a Medical Marihuana Provisioning Center may operate as a Marihuana Retailer on the same location approved for a Medical Marihuana Provisioning Center beginning upon the effective date of this ordinance, contingent upon the person or entity having obtained all other approvals from the State as required by MRTMA Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended or any other applicable State law to operate a Marihuana Retailer Facility. Such persons or entities shall not be required to obtain an additional permit from the Township. A Marihuana Retailer Facility may not operate on any other location other than a location where a Medical Marihuana Provisioning Center has been approved to operate prior to September 1, 2022.

The authorization for persons or entities who have obtained state and local approval to operate a Medical Marihuana Provisioning Center in the Charter Township of Orion to be authorized to also operate as a Marihuana Retailer shall not be construed as allowing an increase in permits available for Medical Marihuana Provisioning Centers, which shall remain limited to the number set forth in Sec V of this Ordinance. Nor shall such authorization be construed as waiving the necessity for any person or entities who are eligible to operate as a Marihuana Retailer in the Charter Township of Orion to comply with all applicable state law, including state law or regulations administered by the Cannabis Regulatory Agency (or any successor of that Department), and it is the burden of the licensed entity to investigate whether an additional license or permit is required under state law.”

### **ARTICLE IV – PROHIBITION OF CERTAIN LICENSED MARIHUANA FACILITIES**

The Charter Township of Orion hereby prohibits Adult-use and opts out of the following State licenses under MMFLA and/or MRTMA as applicable: Type A & B Marihuana Growers Licenses, Marihuana Event Organizer License, Marihuana Microbusinesses, 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 under MMFLA and MRTMA, shall be permitted subject to the limitations set forth in Article V and all applicable provisions of the Townships Zoning Ordinance (Ordinance No. 78).

**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/Marihuana Retailer, 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 Adult-use 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/Marihuana Retailer 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.
  - d. The above waiver of location requirements shall have no effect on the prohibition on adult-use 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 Trustees' 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 Building Official or designee. While this Article is intended to set forth the application process and timeline, no failure of the Township 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 Township Building Official, or designee 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 Building Official, or designee, 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 Building Official, or designee, 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. 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. Upon request of the Cannabis Regulatory Agency, within ninety (90) days of an Application under this Ordinance being filed with the Township, the Township Building Official, or a designee, shall provide the following to the Cannabis Regulatory Agency 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 Building Official, or designee, 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/Marihuana Retailers 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;
  - 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/Marihuana Retailers, 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 – 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.

## **ARTICLE XI – 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 Building Official, or designee, may temporarily suspend a Licensed Facility License without a Hearing if the Township Building Official, or designee, finds that public's safety or welfare requires immediate action. The Township Building Official, or designee, shall cause the temporary suspension by issuing a Suspension Notice;
5. If the Township Building Official, or designee, 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

*Revised 09/29/22*

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 XII – 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 XIII – 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 adult-use marihuana establishments within the Township pursuant to Initiated Law 1 of 2018, Proposal 1 of 2018 as may be amended.

**ARTICLE XIV – 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.

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