



Charter Township of Oscoda  
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## ORDINANCE NUMBER 2021-270

### COMMERCIAL MARIHUANA FACILITIES ORDINANCE

The Charter Township of Oscoda, County of Iosco, State of Michigan

#### ORDAINS:

ORDINANCE NO.: 2021-270

Adopted: November 28, 2022

Effective: January 7, 2023

AN ORDINANCE to Amend the Zoning Ordinance to provide for the regulation of marihuana facilities and establishments authorized by the *Michigan Medical Marihuana Act*, being MCL §§ 333.26421, *et seq.*, the *Michigan Marihuana Facilities Licensing Act*, being MCL §§ 333.27101, *et seq.*, and the *Michigan Regulation and Taxation of Marihuana Act*, being MCL §§ 333.27951, *et seq.*; to provide for the enforcement thereof, and to provide for civil penalties and remedies for the violation thereof.

#### SECTION 1.1 PURPOSE

- A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Recreational Marihuana Facilities in the Charter Township of Oscoda and provide for the adoption of reasonable restriction to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marihuana facilities in Charter Township of Oscoda through the imposition of annual, nonrefundable permit fees of not more than \$5,000 on each Commercial Recreational Marihuana Facility permit. Authority for the enactment of these provisions is set forth in Michigan Regulation and Taxation of Marihuana Act.

- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use, sale or distribution of Marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, Marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute or dispense Marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

## SECTION 1.2 DEFINITIONS

Any term defined by the *Michigan Regulation and Taxation of Marihuana Act* ("MRTMA"), MCL 333.27951 *et seq.*, shall have the definition given in that Act. Further, and without limitation:

**"Affiliate"** means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

**"Application"** means an application for a permit under this ordinance, and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the **"applicant."** Further, any such application shall be considered one for a Conditional or Special Use and shall be subject to all corresponding provisions and requirements of this Ordinance, including without limitation Chapters 8, 9.

**"Commercial Recreational Marihuana Facility", "Recreational Marihuana Facility" or "Recreational Facility"** means an enterprise at a specific location at which a licensee is licensed to operate under the *Michigan Regulation and Taxation of Marihuana Act*, including a Marihuana Grower, Marihuana Processor, Marihuana Retailer, Marihuana Secure Transporter, or Marihuana Safety Compliance Facility. A Marihuana Microbusiness is not considered a Commercial Recreational Marihuana Facility for the purposes of this definition.

**"Department"** means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue, or administer a Michigan License for a Commercial Recreational Marihuana Facility.

**"Designated Consumption Establishment"** means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

**“Equivalent licenses”** means any of the following license types issued under the *Michigan Marihuana Facilities Licensing Act* (MMFLA), MCL 333.2701 *et seq.*, and/or the *Michigan Regulation and Taxation of Marihuana Act* (“MRTMA”), MCL 333.27951 *et seq.*: a grower of any class, processor, marihuana retailer or provisioning center, secure transporter, safety compliance facility.

**“Licensee”** means a person holding a state operation license under the *Michigan Regulation and Taxation of Marihuana Act*.

**“Marihuana”** or **“Marijuana”** means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, and regardless of the particular spelling thereof.

**“Marihuana Event Organizer”** means a person licensed to apply for a temporary marihuana event license under these rules.

**“Marihuana 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 Marihuana processor or retailer.

**“Marihuana Microbusiness”** means a person licensed to cultivate no more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older, or to a marihuana safety compliance facility, but not to other marihuana establishments.

**“Marihuana Plant”** means any plant of the species *Cannabis Sativa L.* Marihuana plant does not include industrial hemp.

**“Marihuana Processor”** means a licensee that is a commercial entity located in this state that purchases marihuana from a marihuana grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Marihuana Retailer.

**“Marihuana Retailer”** means a licensee that is a commercial entity located in this state that purchases marihuana from a marihuana grower or processor and sells, supplies, or provides marihuana to persons 21 years of age and up. Including any commercial property where marihuana is sold. A noncommercial location used by a microbusiness to sell persons 21 and up marihuana in accordance with the *Michigan Regulation and Taxation of Marihuana Act*, does not qualify under this definition.

**“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.

**“Marihuana Safety Compliance Facility”** means a licensee that is a commercial entity that receives marihuana from a marihuana facility, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**“Marihuana Secure Transporter”** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

**“Outdoor Grow”** means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.

**“Paraphernalia”** means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking ingesting, inhaling, or otherwise introducing into the human body, marihuana.

**“Permit”** means a current and valid permit for a Commercial Recreational Marihuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premise and a specific permitted property.

**“Permit Holder”** means the person that holds a current and valid permit under this ordinance.

**“Permitted Premises”** means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility’s activities.

**“Permitted Property”** means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility 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 or any joint venture for a common purpose.

**“Plant”** means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

**“State Operating License”** or, unless the context requires a different meaning, **“license”** means a license that is issued under the *Michigan Regulation and Taxation of Marihuana Act*.

**“Temporary Marihuana Event License”** means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both are authorized at the location indicated on the state license during the dates indicated on the state license.

**“Township”** means Charter Township of Oscoda, a general law township located in Iosco County, Michigan.

**SECTION 1.3 AUTHORIZATION OF FACILITIES AND FEES**

A. The maximum number of each type of Commercial Recreational Marihuana Facility located in the Charter Township of Oscoda is set as follows at the time of adoption but will be reviewed annually or as determined to be advisable at the discretion of the Charter Township of Oscoda Board of Trustees. The review and its findings shall be recorded in the minutes of the relevant meeting of the Charter Township of Oscoda Board of Trustees.

<b>Type of Facility</b>	<b>Number Allowed</b>
Marihuana Grower Type A (Up to 100 plants)-	Unlimited Allowed in Zoning Districts: <b>I, WI and AG</b>
Marihuana Grower Type B (Up to 500 plants)	Unlimited Allowed in Zoning Districts: <b>I, WI and AG</b>
Marihuana Grower Type C (Up to 2,000 plants)	Unlimited Allowed in Zoning Districts: <b>I, WI and AG</b>
Marihuana Secure Transporter	Unlimited Allowed in Zoning Districts: <b>I and WI</b>
Marihuana Processor	Unlimited Allowed in Zoning Districts: <b>I and WI</b>
Marihuana Safety Compliance Facility	Unlimited Allowed in Zoning Districts: <b>B-2, CBD, WB-3, I and WI</b>
Marihuana Provisioning Center	Up to Two Allowed in Zoning Districts: <b>B-2, CBD, WB-3, I and WI</b>
Marihuana Recreational Retailer	Up to Two Allowed in Zoning Districts: <b>B-2, CBD, WB-3, I and WI</b>
Designated Consumption Establishments	Zero (0)

Zoning Districts; I-Industrial, WI- Wurtsmith Industrial, WB-3-Wurtsmith Business, B-2- General Business District, AG- Agricultural, CBD- Corridor Business District

- B. A non-refundable local permitting fee shall be paid annually to the Charter Township of Oscoda, by each Commercial Recreational Marihuana Facility permitted under this ordinance, of no more than \$5,000 per permit. As set by resolution of the Charter Township of Oscoda Board of Trustees.

#### **SECTION 1.4 GENERAL REQUIREMENTS**

- A. No person shall operate a Commercial Recreational Marihuana Facility in the Charter Township of Oscoda without a valid Marihuana Facility Permit issued by the Charter Township of Oscoda and shall operate pursuant to the provisions of this ordinance.
- B. No person shall operate a Designated Consumption Establishment, be allowed to operate a Temporary Marihuana Event license, and subsequently be appointed a Marihuana event organizer which shall operate within the Township.
- C. The requirements set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by the applicable federal, state or local laws, regulations, codes or ordinances.
- D. At the time of application for a Marihuana Adult Use Establishment license, an applicant, to be eligible for this license, must have complied with applicable Township regulations and be issued prequalification status for such license by the State of Michigan's Marihuana Regulatory Agency.
- E. At the time of application, each applicant shall pay a non-refundable application fee to defray the costs incurred by the Township set by resolution of the Charter Township of Oscoda Board of Trustees, not to exceed any limitations imposed by Michigan Law.
- F. A new or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the applicant or permit holder and shall remain valid for one year.
- G. Each year, any pending application for renewal 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 current or prospective permit holder to, at all times during its' operation or application period, immediately provide Oscoda Township Planning and Zoning Director with all material changes in any information previously provided to Oscoda Township, including but not limited to information contained in the permit holder's permit application. If Oscoda Township deems the change to be a major change, including but not limited to a change in location, approval of such change is subject to the approval of the Township Board of Trustees. Minor changes including but not limited to owner or landowner, business plan, or site plan shall be submitted to the Planning & Zoning Director and approval of such changes are subject to approval of the Planning & Zoning Director. Any minor changes made will be communicated to the Planning Commission.

- I. Oscoda Township allows a maximum of two Marihuana Recreational Retailer permits and two Marihuana Recreational Retailer permits have been previously issued by the Township. In the event that a Marihuana Recreational Retailer permit becomes available in the Township and if the Township opens the application process and receives more applications for Retailer permits than available Retailer permits in the Township, the competing applicants shall be evaluated and scored in accordance with competitive criteria established, and published in a score sheet form with this Ordinance, by the Township Board of Trustees and in accordance with the requirements of the *Michigan Regulation and Taxation of Marihuana Act*.
- J. No permit issued under this ordinance may be assigned or transferred to any person, firm, organization, or other entity unless:
  1. The proposed transferee's business does not expand or alter the scope or nature of the current permit holder's permitted business,
  2. The transferred permit will not apply to any other premises than the originally permitted premises, and
  3. The proposed transferee has submitted an application, fee for each application, and all necessary and required supporting documentation required under this Ordinance and the proposed transferee has been granted special land use approval of such transfer pursuant to and in accordance with the requirements of this ordinance and other applicable ordinances and State law as if such transferee were the applicant for the original permit being transferred.

The transferee application shall be reviewed by the Planning Commission at a public meeting to ensure that the transferee application meets the applicable criteria and the transferee(s) or owners of the transferee business have received prequalification status from the State of Michigan.

- K. The original local permit issued under this ordinance shall be prominently displayed at all times in the facility in a location where it can be readily viewed by the public, law enforcement, or administrative officials.
- L. Acceptance by the permit holder of a permit constitutes consent by the permit holder and its owners, officers, managers, agents, and employees for any state, federal, or local law enforcement to conduct random, unannounced examination of their facility and all articles of property therein at any time to ensure compliance with this ordinance, the permit or local and state regulations.
- M. A permit holder may not engage in any other marihuana facility on the permitted property or premises without first obtaining a separate local permit.
- N. No permit shall be granted or renewed for a Commercial Recreational Marihuana Facility in a residence, building or area not specifically zoned for that purpose.
- O. Receiving and maintaining a valid Marihuana Facility License issued by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility permit under this ordinance and continued operation of any marihuana facility.

## SECTION 1.5 APPLICATION FOR PERMITS

- A. An application for a permit to operate a Commercial Recreational Marihuana Facility must be on a form provided by Charter Township of Oscoda and shall be submitted to the Township Planning & Zoning Director along with seven copies of the application and the following records and information:
1. The name, address, phone number and email address of the applicants and the type of proposed Commercial Recreational Marihuana Facility. The names, home addresses, personal phone numbers, dates of birth, copy of driver's license, criminal history for all owners, directors, officers, and managers of the proposed Commercial Recreational Marihuana Facility.
  2. The following records:
    - a. Documentation showing the applicant's valid tenancy, ownership, or other legal interest in the property and premises proposed to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement from the owner of such property, authorizing its use for a Commercial Recreational Marihuana Facility.
    - b. If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing.
    - c. A photocopy of a valid, unexpired driver's license or State-issued identification card for all owners, directors, officers, and managers of the proposed facility.
    - d. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
    - e. Application for a sign permit if a sign is being proposed.
    - f. The non-refundable application fee as set by the Charter Township of Oscoda Board of Trustees.
    - g. Business and Operations Plan, showing in detail the Commercial Recreational Marihuana Facilities proposed plan of operation, including without limitation, the following:
      - i. A description of the type of facility proposed and the anticipated or actual number of employees.
      - ii. A security plan meeting the requirements of section 1.10 of this ordinance, which shall include a general description of the security system(s), current centrally alarmed and monitored security system service agreement for the proposed permitted premises, and confirmation that those systems will meet Michigan requirements



and be approved by the Department prior to commencing operations.

- iii. A description by category of all products to be sold.
  - iv. A list of Material Safety Data Sheets, as required by Occupational Safety and Health Administration, which shall include all nutrients, pesticides, and other chemicals proposed for use in the proposed facility.
  - v. 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 detectable from outside of the permitted premises.
  - vi. A plan for the disposal of marihuana and related byproducts that will be used at the proposed facility.
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- h. A statement as to whether the applicant or owner of the applicant has ever applied to the State of Michigan and any licensing authority in Michigan for any marihuana license, certificate, or permit.. The statement shall include whether each license, certificate, or permit was granted and if it was ever denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
  - i. A statement regarding the revocation or suspension of any type of commercial or professional license issued to the applicant and the applicant's owners by any licensing authority in the United States.
  - j. Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the permitted premises and the permitted property.
  - k. Information regarding any Marihuana Facility that the applicant and the owners of the applicant are currently authorized to operate in any other jurisdiction within Michigan, another state or country, and the applicant's involvement in each facility.
  - l. Application for Special Use Permit to be issued by the Charter Township of Oscoda Planning Commission.
  - m. Application for site plan review to be issued by the Charter Township of Oscoda Planning Commission.
  - n. Any other reasonable information required under Chapters 8 and/or 9 of this Ordinance and/or requested by the Charter Township of Oscoda that is relevant to the processing or consideration of the application.

- o. Information obtained from the applicant or proposed permit holder is exempt from public disclosure under The Freedom of Information Act, the Michigan Marihuana Facilities Licensing Act, and State law, except as such disclosure may be necessary for purposes of and/or divulged by the applicant during the course of the public hearing held on the application.
- B. Upon receipt of an application for a Commercial Recreational Marihuana Facility Permit and accompanying documentation, the Charter Township of Oscoda Planning & Zoning Director shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Planning & Zoning Director shall review the application and accompanying documentation to determine whether the application is complete, pursuant to the requirements in this ordinance, not later than fourteen (14) business days from the date the application was submitted. A permit application is complete if the Township's application form is fully completed and the records and the information listed in Section 1.5(A) of this ordinance were submitted with the application and with payment of the nonrefundable application fee for each type of permit. If an application is not complete, the incomplete application is null and void and the applicant shall be promptly notified and forfeit the application fee.

For any applications for a Commercial Recreational Marihuana Facility Permit other than a Marihuana Recreational Retailer permit, the Planning & Zoning Director shall determine if the permit application is complete, as defined above. If the permit application is complete, the Planning & Zoning Director shall forward the application and accompanying documentation to the Planning Commission and establish a date for public hearing and Planning Commission review.

If one or more Marihuana Recreational Retailer Permit(s) becomes available in the Township and the Township chooses to accept applications for a Marihuana Recreational Retailer Permit(s), the Planning & Zoning Director shall review the application and accompanying documentation to determine if the submission complies with the requirements contained in this ordinance. If the application complies with the requirements in this ordinance, the Planning & Zoning Director shall forward the application and accompanying documentation to each member of the Township Board of Trustees to review and discuss at a public meeting to confirm compliance with this ordinance. As stated in Section 1.4(I) of this ordinance, the Marihuana Recreational Retailer Permit applications shall be evaluated and scored in accordance with the competitive criteria published in a score sheet form attached to this ordinance if more applications for Retailer permits are received than are available at that time in the Township. In the event of a tie of two or more scores of the competitive criteria, the Board of Trustees shall reevaluate the scores for the tied permit applications.

As stated in Section 1.4(I) of this ordinance, the competitive criteria will be established by the Township Board of Trustees and in accordance with the requirements of the Michigan Regulation and Taxation of Marihuana Act when this Ordinance is enacted. Provided that all other requirements of this Ordinance are satisfied, the one or two highest scoring Marihuana Recreational Retailer Permit applications(s), depending on how many are available, shall receive preliminary approval for a permit. Such application(s) shall be forwarded by the Planning & Zoning Director to the Planning Commission and establish a date for public hearing and Planning Commission review. At that time, any other Marihuana Recreational

Retailer Permit applications(s) that exceeded the number of available permits that were not forwarded to the Planning Commission shall be deemed denied.

- C. Preliminary approval means only that the applicant has submitted a valid application for a Commercial Recreational Marihuana Facility Permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township, County, and State of Michigan. The permits and approvals required include but are not limited to:
  - 1. Special Use Permit as issued by the Charter Township of Oscoda Planning Commission per Chapter 9 of the Charter Township of Oscoda Zoning Ordinance.
  - 2. Site plan approval from the Charter Township of Oscoda Planning Commission per Chapter 10 of the Charter Township of Oscoda Zoning Ordinance.
- D. Upon preliminary approval by the Charter Township of Oscoda Planning Commission, the permit holder shall pay the initial annual permitting fee for each Commercial Recreational Marihuana Facility Permit to the Charter Township of Oscoda Treasurer, via the Planning & Zoning Director, prior to the issuance of a Commercial Recreational Marihuana Facility Permit. If the fee has not been received within 60 days from the date of the Planning Commissions preliminary approval, the applicant will have forfeited its application, the application shall become null and void, and the permit shall be available to another applicant.
- E. Within 10 business days of the Charter Township of Oscoda Board of Trustees' approval of the Special Use Permit and Commercial Recreational or other Marihuana Facility Permit and payment of the first annual non-refundable local permitting fee, the Charter Township of Oscoda Planning & Zoning Director shall issue the Commercial Recreational or other Marihuana Facility Permit in the order of the previously assigned sequential application number.

#### **SECTION 1.6 PERMIT RENEWAL**

**A Commercial Recreational Marihuana facility permit shall be valid for one year, expiring on the facility's final permit approval date, unless revoked as provided by law. Failure to obtain all other permits and approvals required by all other applicable ordinances and regulation of the Township, County, and State of Michigan within that time shall render the facility ineligible for renewal and the permit shall be available to another applicant.**

- A. A valid Commercial Recreational Marihuana Facility Permit may be renewed on an annual basis, following review by the Charter Township of Oscoda Board of Trustees upon recommendation of the Planning & Zoning Director that all terms and conditions of the Ordinance and permits remain satisfied, by submitting a renewal application form provided by Charter Township of Oscoda and payment of the annual local permit fee. Renewal applications must be filed at least 60 days prior to the expiration of the facility's permit or 90 days prior for changes of location. Charter Township of Oscoda will not accept any renewal application, and permit forfeiture will result, unless such renewal application is submitted within the timeframe(s) provided herein.

#### **SECTION 1.7 OPERATIONAL REQUIRMENTS**

A Commercial Recreational Marihuana Facility permitted under this ordinance and operating in

Charter Township of Oscoda shall at all times comply with the following operational requirements, which the Charter Township of Oscoda Board of Trustees may review and amend from time to time as it deems reasonable.

- A. Scope of Operation.** Commercial Recreational Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments. The facility must hold a valid local permit and State Commercial Recreational Marihuana Facility license for the type of facility intended to be carried out on the permitted property. The facility owner, operator or licensee must have documentation available that local and state sales tax requirements, including holding any licenses, if applicable, are satisfied.
- B. Location.** Each Commercial Recreational Marihuana Facility shall be operated only from the permitted premises on the permitted property. No Commercial Recreational Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a permitted and licensed secure transporter when engaged in the lawful transport of Marihuana.
- C.** No person under the age of twenty-one (21) shall be allowed to enter into a Commercial Recreational Marihuana Facility.
- D. Security.** Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following:

  - 1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the facility; Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week.
  - 2. A locking safe permanently affixed to the permitted premises that shall store all usable marihuana and cash remaining in the facility overnight;
  - 3. All marihuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the facility.
  - 4. All security recording and documentation shall be preserved for at least 72 hours by the permit holder and made available to any law enforcement upon request for inspection.
- E. Sale of Marihuana.** Marihuana and marihuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.
- F. Sign Restrictions.** Signs for Commercial Marihuana Facilities must conform to chapter 3 of the Charter Township of Oscoda Zoning Ordinance and the laws of the State of Michigan.
- G. Use of Marihuana.** The sale, consumption, or use of alcohol and tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the permitted property is prohibited.
- H. Outdoor growing.** Growth and cultivation of marihuana outdoors is permitted in the

Industrial and Agricultural Districts provided the visibility, minimum lot size, and setback requirements are met as provided in Special Land Use Standards of the Charter Township of Oscoda Zoning Ordinance.

- I. Indoor Activities.** All activities of Commercial Marihuana Facilities, including without limitation, distribution, growth, cultivation, processing or the sale or preparation and loading for transfer of marihuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facilities operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility. Secure Transporters and permitted Outdoor Growers are exempt from the air filtration requirement. Indoor growing operations are permitted only in the Industrial and Agricultural Districts.
- J. Unpermitted Growing.** Only the entity named in a permit may grow at a Commercial Marihuana grow facility.

**Additional Conditions.** The Charter Township of Oscoda Board of Trustees may impose such reasonable terms and conditions on a Commercial Recreational Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this ordinance and applicable law.

#### **SECTION 1.8 APPLICABILITY**

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

#### **SECTION 1.9 PENALTIES AND ENFORCEMENT**

- A.** Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to fines/penalties, costs, restitution, and other relief in accordance with the Township's Civil Infraction Ordinance, as amended from time to time, and State law. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B.** A violation of this ordinance is deemed to be a nuisance *per se*. In addition to any other remedy available at law, Charter Township of Oscoda may bring an action for an injunction or other process against a person to restrain, prevent and/or abate any violation of this ordinance. Further, any Township inhabitant suffering special harm arising from any such violation shall similarly have a cause of action for such nuisance *per se*.
- C.** This ordinance shall be enforced and administered by the Township Planning & Zoning Director or such other Charter of Oscoda Township official as may be designated from time to time by the Township Supervisor as its statutory legal representative.

#### **SECTION 1.10 SEVERABILITY**

In the event any one or more section, provisions, phases, or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance.

**SECTION 1.11 CONSTRUCTION**

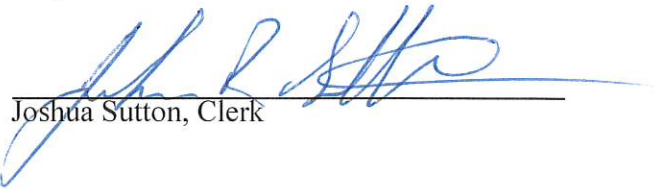
In the event any other term(s) or provision(s) of the Township Zoning Ordinance is/are inconsistent with or contrary to the terms or provisions of this amendatory *Commercial Marihuana Facilities Ordinance*, the terms and provisions of this Ordinance shall control.

**SECTION 1.12 EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after its publication as required by applicable law.

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 2021-270 which was enacted by the Board of Trustees of the Charter Township of Oscoda, Iosco County, at a regular/special meeting held on the 28<sup>th</sup> day of November, 2022. A copy or Notice of same was published in the Iosco County News Herald/Oscoda Press on December 7, 2022.

  
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Joshua Sutton, Clerk