

**WISE TOWNSHIP
ISABELLA COUNTY, MICHIGAN
ORDINANCE AUTHORIZING AND PERMITTING
COMMERCIAL MEDICAL MARIHUANA FACILITIES
ORDINANCE NO. 2022-01**

Adoption of this Ordinance hereby repeals and replaces Ordinance No. 18-01

At a regular/special meeting of the Township Board of Wise Township, Isabella County, Michigan, held at the Wise Township Hall on January 20, 2022, at 7:00 p.m., Township Board Member Card moved to adopt the following Ordinance, which motion was seconded by Township Board Member Methner:

An Ordinance to implement the provisions of the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, which authorizes the licensing and regulation of Commercial Medical Marihuana Facilities and affords the Township the option whether or not to allow Commercial Medical Marihuana Facilities; to regulate Commercial Medical Marihuana Facilities by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and Visitors to the Township and to regulate the cultivation, distribution, and use of Medical Marihuana permitted under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 In order to maintain the public health, safety and welfare of the residents and visitors to the Township.

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 Medical Marihuana Act, MCL 333.26421, et seq. as amended; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.; the Marihuana Tracking Act, MCL 333.27901, et seq.; and all other applicable rules promulgated by the State of Michigan.

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.

THE TOWNSHIP OF WISE ORDAINS:

Section 1. Definitions. The following words and phrases shall have the following definitions when used in this Ordinance:

1. "Act" means the Medical Marihuana Facilities *Licensing Act, MCL 333.27101, et seq.*
2. "Agency" means the Marihuana Regulatory Agency (M.R.A.), Michigan State Department of Licensing and Regulatory Affairs (LARA) or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marihuana Facility.

3. "*Application*" or "*Application Package*" means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the "*Applicant*."
4. "*Clerk*" means the Wise Township Clerk or his/her designee.
5. "*Complete application*" means an application that includes all of the information required by this Ordinance and the Wise Township Zoning Ordinance for a Marihuana Establishment.
6. "*Commercial Medical Marihuana Facility*," "*Marihuana Facility*" or "*Facility*" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421, et seq.
7. "*Department*" means the Michigan State Department of Licensing and Regulatory Affairs or any authorized Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.
8. "*Grower*" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center, under the MMFLA.
9. "*License*" means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan, under the MMFLA.
10. "*Licensee*" means a person holding a state operating license under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.
11. "*Marihuana*" or "*Marijuana*" means the term as defined in the Public Health Code. MCL 333.1101, et seq.; the Medical Marihuana Act MCL 333.26421, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.; and the Marihuana Tracking Act MCL 333.27901, et seq. For the purpose of this ordinance, the spellings are interchangeable.
12. "*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.
13. "*Michigan Medical Marihuana Act*" means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430 and as defined in the MMFLA.

14. *"Paraphernalia"* means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA368, MCL 333.7451, that is or may be used in association with Medical Marihuana. 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.
15. *"Permit"* means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
16. *"Permit Holder"* means the Person that holds a current and valid Permit issued under this Ordinance.
17. *"Permitted Premises"* means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit.
18. *"Permitted Property"* means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
19. *"Person"* means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
20. *"Processor"* means a Permit Holder that is a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center, as that term is defined in the MMFLA.
21. *"Provisioning Center"* means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers, as that term is defined in the MMFLA. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act, 333.26421, et seq., is not a provisioning center for purposes of this ordinance.

22. "*Public Place*" means an area in which the public is invited or generally permitted in the usual course of business.
23. "*Registered primary caregiver*" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.
24. "*Registered qualifying patient*" means a qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act or a visiting qualifying patient as that term is defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
25. "*Registry Identification Card*" means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or registered primary caregiver, as defined in section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
26. "*Safety compliance facility*" means a MMFLA licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
27. "*Secure transporter*" means a MMFLA licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
28. "*Stacked license*" means more than 1 state license issued to a single licensee to operate as a Class C Marihuana Grower as specified in each state license at a Marihuana Facility.
29. "*State operating license*" or, unless the context requires a different meaning, "license" means a license that is issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq.
30. "*Township*" means Wise Township, a general law township located in Isabella County, Michigan.

Section 2. Commercial Medical Marihuana Facility Permit Required; Number of Permits Available; Eligibility; General Provisions.

1. The Wise Township Board hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities, subject to the number of available Permits issued in this Section:
 - a. Indoor and outdoor MMFLA Marihuana Growers, Class A - cultivations of not more than 500 marihuana plants; and
 - b. Indoor and outdoor MMFLA Marihuana Growers, Class B - cultivations of not more than 1,000 marihuana plants; and
 - c. Indoor and outdoor MMFLA Marihuana Growers, Class C - cultivation of not more than 1,500 marihuana plants; and
 - d. MMFLA Marihuana Processors; and
 - e. MMFLA Marihuana Provisioning Center; and
 - f. MMFLA Marihuana Safety Compliance Facilities; and
 - g. MMFLA Marihuana Secure Transporter.

2. The maximum number of Commercial Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the Township:

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|---|--------------------------------------|
| a. MMFLA Marihuana Grower Permits, Class A: | Indoor: Two (2)
Outdoor: Zero (0) |
| b. MMFLA Marihuana Grower Permits, Class B: | Indoor: (2)
Outdoor: One (1) |
| c. MMFLA Marihuana Grower Permits, Class C: | Indoor: (5)
Outdoor: Five (5) |
| d. Marihuana MMFLA Processor Permits: | Ten (10) |
| e. Marihuana MMFLA Provisioning Center Permits: | Three (3) |
| f. Marihuana MMFLA Safety Compliance Permits: | Unlimited |
| g. Marihuana MMFLA Secure Transporter Permits: | Unlimited |

The Township Board may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a Permit previously issued.

3. At the time of Application, each Applicant shall, for each Application, pay a non-refundable Application fee to the Township to defray the costs incurred by the Township not to exceed any limitations imposed by Michigan law. The Township Board may set the Application Fees by resolution.
4. No person shall operate a Commercial Medical Marihuana Facility at any time or any location within the Township unless a then currently-effective Permit for that person at that location has been issued under this ordinance.
5. Commercial Marihuana Facilities shall operate only as expressly allowed under this Ordinance.
6. A non-refundable local permitting fee, as set by resolution of the Township Board, shall be paid annually to Wise Township for each Marihuana Establishment permit issued under this ordinance.
7. 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 applicable federal, state or local laws, regulations, codes or ordinance.
8. An initial or renewal Commercial Medical Marihuana Facility Permit shall be valid for one year, expiring on the anniversary of the Facility's final permit approval date, unless revoked as provided by law. Failure to obtain all other required permits, licenses and approvals required by all other applicable ordinances and regulations 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. An Initial Permit and Renewal Permit shall confer a reasonable expectation of subsequent renewal unless:
 - a. A renewal has been denied by the State of Michigan.
 - b. The Applicant has been found to have defrauded the Township, has committed a material violation of this Ordinance, has lost the state License, or is causing a nuisance to the public health, safety or general welfare.
9. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
10. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder, at all times during the Application period and during its operation, to immediately provide the Township with any and all material changes in any information submitted on an Application and any other changes that may materially affect any State of Michigan License or its Wise Township Permit.
11. No permit issued under this Ordinance may be assigned or transferred to any Person or entity unless the assignee or transferee has submitted a complete Application and all required fees under this Ordinance, other applicable Ordinances and has been granted a Permit under this Ordinance by Wise Township. Any Permit issued under this Ordinance is for the Permitted Premises on the Permitted Property only.

12. The original and current Permit issued under this Ordinance shall at all times be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
13. 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 and unannounced examinations of the Facility, all records and all articles of property in that Facility, at any time, to ensure compliance with this Ordinance, with any other State or local regulations and with the Permit.
14. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility on the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit. Only the entity named in a Permit may grow at a Commercial Medical Marihuana Grow Facility.
15. Receiving and maintaining a valid MMFLA and/or MRTMA license issued by the State of Michigan for the Permitted Premises is a condition for the issuance and maintenance of a Marihuana Facility Permit under this ordinance and continued operation of any Commercial Medical Marihuana Facility.

Section 3. Other Laws and Ordinances. In addition to the terms of this Ordinance, any Commercial Medical Marihuana Facility shall comply with all Township Ordinances, including without limitation, the Wise Township Zoning Ordinance, and with all other applicable local ordinances, codes or regulations, State laws, the MMFLA and M.R.A. Rules.

Section 4. Application for and Renewal of Permits.

1. **FOIA.** Information obtained from the Applicant or Proposed Permit Holder is exempt from public disclosure under state law, to the extent permitted by the Michigan Freedom of Information Act.
2. **Initial Application.** An Application for a Permit to operate a Commercial Medical Marihuana Facility must be on a form provided by Wise Township, shall be submitted to the Township Zoning Administrator via the Clerk and shall contain the following information at a minimum:
 - a. The name, address, phone number and e-mail address of the Applicant/s and the Type of proposed Commercial Medical Marihuana Facility;
 - b. The name, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
 - c. Ten (10) copies of the following:
 1. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and

Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and/ or Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility shall be provided to the Township.

2. If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status, attach a copy of all company formation documents (including amendments), identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Facility, proof of registration with the State of Michigan, and a certificate of good standing.
3. 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.
4. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
5. Application for a Sign Permit, if any sign is proposed. All signage must be in compliance with the Wise Township Zoning Ordinance Sections 5.04 through 5.04J.
6. The non-refundable application fee as set by the Wise Township Board.
7. Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
 - I. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - II. A security plan meeting the requirements of Section 5. 5. 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 State requirements and be approved by the Marihuana Regulatory Agency prior to commencing operations.

- III. A description of by category of all products to be sold.
 - IV. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
 - V. A description and plan for all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no abatable nuisance odor will be detectable at the property line of the Permitted Premises.
 - VI. A plan for the disposal of Marihuana and related byproducts that will be generated by the Facility.
8. Whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
9. Site plan and interior floor plan of the Permitted Premises and the Permitted Property, as required by the Township Zoning Ordinance, lawfully prepared by a Michigan registered architect, surveyor or professional engineer.
10. A complete list of all marihuana permits and licenses held by the Applicant/s and all its principals in any other jurisdictions.

11. Completed application for Special Land Use Permit provided by Wise Township.

12. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.

- d. Upon receipt of the application, application fee and accompanying documentation, the Wise Township Clerk/Administrator shall accept the application and assign it a sequential application number by Facility type based on the date and time of acceptance. The Clerk/Administrator shall act to process an application not later than fourteen (14) business days from the date the application was accepted. When the application is deemed complete, the Clerk/Administrator shall forward all information to the Township Planning Commission and establish a date for a Special Use Public Hearing and Township Planning Commission review.
- e. An application is valid for six (6) months from the processing date issued by the Township Clerk/Administrator. If an application remains incomplete beyond six (6) months, the application shall be null and void and the applicant shall forfeit the application fee. The Township Clerk/Administrator may, at his/her discretion, extend this period an additional 90 days.
- f. Preliminary approval means only that the Applicant has submitted a valid Application for a Commercial Medical 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. Site Plan approval from the Township Board per Article XIV, Site Plan Review, of the Wise Township Zoning Ordinance.
 - 2. Special Use Permit as issued by the Township Board per Section 5.11, Special Land Uses, Procedures for Approval, of the Wise Township Zoning Ordinance.

- g. Following the Public Hearing, recommendation of the Planning Commission and final approval by the Wise Township Board, the non-refundable initial annual permit fee shall be paid by the Applicant to the Township Treasurer prior to the issuance of a Commercial Medical Marihuana Facility Permit. If the fee has not been received within sixty (60) days from the date of the Township Board's final approval, the Applicant will have forfeited it's Application, the Application shall become null and void, and the Permit shall be available to another Applicant.
 - h. Within ten (10) business days of the Township Board's approval of the Applicant's Special Use Permit and Commercial Medical Marihuana Facility Permit, and payment of the annual non-refundable local permitting fee, the Township Clerk/Zoning Administrator shall issue the Commercial Medical Marihuana Facility Permit in the order of the previously assigned sequential application number.
3. **Renewal Application.** A Commercial Medical Marihuana Facility Permit shall expire each year on the anniversary of the final approval of the Permit and is valid until that date unless revoked as provided by law. A valid Commercial Medical Marihuana Facility Permit may be renewed on an annual basis following the review and approval of the Township Board, by submitting a Renewal Application form provided by the Township and payment of the annual local Permit fee. Renewal Applications shall be submitted to and received by the Township not less than sixty (60) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than ninety (90) days prior to the expiration of the permit.

A Permit Holder whose Permit expires and for which a complete Renewal Application form has not been received by the expiration date, shall be presumed to have determined not to seek renewal; provided, such Permit Holder may rebut the presumption and apply for the right to file a delayed Renewal Application, which shall be granted by the Township unless the Applicant does not meet Section 2. 8. a. and/or b. The application for the right to file a delayed Renewal Application must be filed before the expiration date, along with any late fees imposed by resolution of the Township Board, any Annual Permitting Fees shall be paid at the time of the delayed application, and the pre-existing Permit shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than ninety (90) days after the expiration date. Wise Township will not accept renewal applications and permit forfeiture will result after the expiration date.

- a. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or Prior Permit Renewal Application, while making clear where such information or documentation can be found, provided that the information or documentation has not changed.

- b. Prior to approval or renewal of an Application for a Grower Facility Permit, an Applicant may amend the Class of the Grower Facility Permit Application, if a permit is available, by submitting an application form and expressly incorporating by reference the information or documentation contained in the original Permit Application. The Township may impose a fee as established by resolution of the Township Board. The Applicant will be required to show proof of a valid State License allowing operation of the new class of Grower Facility Permit prior to operation.

4. Transfer Application.

- a. The same requirements that apply to all new Applications for a permit apply to all Applications to transfer an existing Permit to a new legal entity or individual(s). No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property, and only after the transferee has Applied for and obtained approval for the transfer, including without limitations, the payment of the same fee for the transferred Permit as apply for a new Permit.
- b. No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Wise Township Board, after submitting a new Application for a Permit, including payment of any fees as would apply for a new Permit. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.

5. Transfer of Control of a Permit Holder.

- a. No Permit Holder Shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the entity owning the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Board.
- b. The Applicant and Permit Holder must submit a change in control transfer Application to the Township Clerk/Administrator prior to any sale or transfer of stock or membership interest. The Application shall include the following:
 - 1. The names, home addresses, e-mail addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
 - 2. If the Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, attach a copy of all company formation documents (including amendments), purchase agreement for all stock or membership interest, identify all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the proposed Facility, and a certified copy of the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.

3. 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.
 4. Whether the Applicant has ever applied for or been granted any commercial License, Permit or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
 5. A complete list of all marihuana permits and licenses held by the Applicant/s and all its principals in any other jurisdictions.
 6. The non-refundable application fee as set by the Wise Township Board.
 7. Any documents required to reflect that the Commercial Medical Marihuana Facility will be operated and managed consistent with the current filings provided to the Township.
 8. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
- c. If, prior to the approval or renewal of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other than a natural person, seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Township Clerk/Administrator to amend the Application. Upon approval by the Township Clerk/Administrator, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required under Section 4(1). The Township Board may set a fee by resolution for such a change.
- d. The following actions constitute transfer of ownership and require a new application, application fee and Township Board approval:
1. *Persons*. Any Transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.
 2. *Corporations*. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.

3. *Limited Liability Companies.* Any transfer of more than 1% of membership interest or any change in members or change in the interest held by a member(s) of any Limited Liability Company holding a Permit constitutes a transfer of ownership.
4. *Partnerships.* Any change of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
5. *Assets.* Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.
6. **Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application shall be completed within Ninety (90) days of receipt of a complete Application and all required fees. The Township Board shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. The Township has no obligation to process or approve any incomplete Application and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Clerk/ Zoning Administrator. A determination of a complete Application shall not prohibit the Township from requiring supplemental information. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that:
 - a. For denial of a new Permit, an appeal shall not grant any rights to an Applicant; and
 - b. For denial of a Renewal Application, if the Applicant has paid all required fees, including additional fees due during the pendency of the appeal, the previous Permit shall be extended during the pendency of the appeal, unless otherwise ordered by the court.
7. **Applications for new Permits where no building is as yet in existence.** Any Applicant for a Commercial Medical Marihuana Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to commence construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to thereafter complete construction and commence business operations without unreasonable delay.
8. **Effect of Transfer.**

- a. Immediately following the approval of a transfer of ownership by the Township Board and payment of the Annual Permitting Fee, the transferee(s) will obtain all the interests, rights, obligations and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated.
- b. For transfers under Section 4. 3. (Transfer Application), the deadlines for expiration and renewal for a transferred Permit will run from the date the transfer was effectuated.
- c. For transfers under Section 4. 4. (Transfer of Control of a Permit Holder), the renewal and termination dates of the Permit shall not change.
- d. For transfers under Section 4. 3. (Transfer Application) where no building is yet in existence, the deadline for construction set forth in Section 4. 6. shall be extended to one year immediately following the date the transfer is approved, but construction must commence within three years after the Township's initial approval of the Permit, regardless of any subsequent transfers.

9. Duty to Supplement.

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
- b. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the event.
- c. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale distribution testing or consumption of any form of marijuana, the MMMA, the MMFLA, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, of marijuana, the MMMA, the MMFLA, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of

any form of marijuana by the Applicant , any owner, principal officer, director, manager, or employee within (10) ten days of the event.

Section 5. Operational Requirements – Commercial Medical Marihuana Facilities.

A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in Wise Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Commercial Medical Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent that they are inconsistent with the MMFLA, the Rules of the Agency or this Ordinance.
2. *Required Documentation.* The facility must hold a valid local Permit for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
3. *Location.* Each Commercial Medical Marihuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical 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.
4. *Minimum Age.* No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
5. *Security Requirements.* Applicants and Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following.
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking safe or vault permanently affixed to the Permitted Premises that shall store all usable marihuana and cash remaining in the Facility overnight, except for marihuana actively grown in a Grow Facility; and

- d. All marihuana in whatever form stored at the Permitted Premises 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 Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for a minimum of 48 hours by the Permit Holder and made available to any law enforcement upon request for inspection.
6. *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m. or as required by the State of Michigan.
7. *Buffer Zone.* No Provisioning Center shall be located within five hundred feet (500) feet from any church, house of worship or other religious facility, with the minimum distance between uses measured horizontally between the building comprising the religious facility and the Permitted Premises.
8. *Spacing Requirements.* No Provisioning Center shall be located within five thousand (5,000) feet of another Provisioning Center, with the minimum distance between uses measured horizontally between the two permitted premises.
9. *Co-location with certain Marihuana Establishments.* A MMFLA Grower, Processor and a Provisioning Center may, with appropriate local Permits, operate at a location shared with a MRTMA Marihuana Grower, Marihuana Processor and Marihuana Retailer pursuant to the MMFLA, MRTMA and the Rules of the M.R.A., as the Township makes Permits available.
10. *Amount of marihuana.* The amount of marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the State License or the Township's Permit.
11. *Sale of marihuana.* The marihuana offered for sale and distribution must be packaged and labeled in accordance with state law.
12. *Sign Restrictions.* As State Law and the Rules of the M.R.A. permit, the following sign restrictions apply: No pictures, photographs, drawings or depictions of marihuana or marihuana Paraphernalia shall appear on the outside of any Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The words "marihuana," "cannabis" and any other words used or intended to convey the presence or availability of marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property.
13. *Consumption on Premises.* The sale, consumption or use of alcohol on the Permitted Property is prohibited. Smoking or consumption of controlled substances, including

marihuana, on the Permitted Property is prohibited. Tobacco smoking is allowed only in designated areas.

14. *Distribution.* No person operating a Facility shall provide or otherwise make available marihuana to any person who is not authorized to receive marihuana under state law.
15. *Permits.* All necessary building, electrical, plumbing, and mechanical permits, must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
16. *Waste Disposal.* The permit holder, owner and operator of the Facility shall use lawful methods of controlling waste or by-products from any activities allowed under the State License or Local Permit.
17. *Transportation.* Marihuana may be transported by a Marihuana Secure Transporter within Wise Township under this Ordinance, and to effectuate its purpose, only:
 - a. By persons who are otherwise authorized by state law to transport marihuana;
 - b. In a manner consistent with all applicable state laws and rules, as needed;
 - c. In a secure manner designed to prevent the loss of the marihuana;
 - d. No vehicle may be used for the continuous storage of marihuana, but may only be used incidentally to, and in furtherance of, the transportation of marihuana.
 - e. Vehicles used for the secure transport of marihuana must be stored indoors when not in use.
19. *Additional Conditions.* The Wise Township Board may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain the compliance with the requirements of this Ordinance and applicable law.

Section 6. Penalties and Consequences for Violation. In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances:

1. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than 90 days, or both,

and, in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.

2. Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The fine for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatements costs of each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues shall be deemed a separate municipal civil infraction.

3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.

4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

5. This ordinance shall be enforced and administered by the Township Clerk/ Zoning Administrator or such other Township official as may be designated from time to time by resolution of the Wise Township Board.

Section 7. 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 Medical Marihuana Facility were established without authorization before the effective date of this ordinance.

Section 8. Severability. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 9. Effective Date. This Ordinance shall take effect fifteen (15) days following publication and final adoption of the related amendments to the Wise Township Zoning Ordinance by the Wise Township Board.

YEAS: Methner, Card

NAYS: Burgess

ABSENT/ABSTAIN: Filhart, Moore

ORDINANCE DECLARED ADOPTED.

Robert Moore, Wise Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Wise Township Board at a duly scheduled and notice meeting of that Township Board held on January 20, 2022, pursuant to the required statutory procedures.

2. A summary of the above Ordinance was duly published in the Morning Sun newspaper, a newspaper that circulates within Wise Township, on February 7, 2022.

3. Within 1 week of such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.

I filed an attested copy of the above Ordinance with the Isabella County Clerk on February 7, 2022.

ATTESTED:

Doris Methner, Wise Township Clerk