DRAFT
(September 28, 2017)

PLEASANT PLAINS TOWNSHIP
LAKE COUNTY, MICHIGAN
(Ordinance No.___)

At a _____ meeting of the Township Board for Pleasant Plains Township held at the Township offices in Baldwin on _____, 2017, the following Ordinance was offered by adoption by Township Board Member _____ and was seconded by Township Board Member _____:

AN ORDINANCE TO AUTHORIZE THE LICENSING OF MEDICAL MARIHUANA FACILITIES; TO PROVIDE LICENSING REQUIRMENTS AND PROCEDURES; TO ESTABLISH PENALTIES AND PROCEDURES; AND RELATED MATTERS.

THE TOWNSHIP OF PLEASANT PLAINS (the "TOWNSHIP") ORDAINS:

1. Purpose.

This Ordinance is an exercise of the police powers of the Township of Pleasant Plains and provides a mechanism for licensing and regulating medical marihuana grower facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, medical marihuana processor facilities and medical marihuana provisionary centers to the extent permissible under Michigan laws and regulations and to protect the public health, safety, and welfare of the residents of the Township.

The Township finds that the activities described in this Ordinance are connected to and will impact the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

Nothing herein shall be construed to expand or limit the scope of the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq. ("MMFLA") or lessen the requirements of the Township's Zoning Ordinance.

2. Interpretation, Conflicts and Definitions.

A. For purposes of this Ordinance, any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended ("MMMA") or the MMFLA shall have the definition given in those statutes, as amended. If the definition of a word or phrase set forth in this Ordinance conflicts with the definition in the MMMA or MMFLA, or if a term is not defined

herein but is defined in the MMMA or MMFLA, then the definition in the MMMA or MMFLA shall apply.

B. This Ordinance shall not limit an individual's or entity's rights under the MMMA or MMFLA.

C. All activities related to medical marihuana, including those related to a medical marihuana grower facility, a medical marijuana secure transporter facility, a medical marihuana processor facility, a medical marijuana provisioning center or a medical marihuana safety compliance facility shall be in compliance with the rules of the medical marihuana licensing board, the Michigan Department of Licensing and Regulatory Affairs ("LARA"), this Ordinance, the rules and regulations of the Township, the Township's Zoning Ordinance, the MMMA and the MMFLA.

D. Any use which purports to have engaged in the cultivation or processing of medical marihuana or the testing of medical marihuana either prior to or after enactment of this Ordinance without obtaining the required licensing set forth in this Ordinance shall be deemed not a legally established use (and shall be a nuisance *per se*) and therefore not entitled to legal standing under the provisions of this Ordinance or other law. The Township finds and determines that it has not heretofore authorized or licensed the existence of any medical marihuana establishment or facility, as defined herein, in the Township.

E. Without limiting the foregoing, for the purposes of this Ordinance, the following words, terms and phrases shall have the following meanings:

(1) "Application" means an application for a license pursuant to the terms and conditions set forth in this Ordinance.

(2) "Application for a license renewal" means an application for a license renewal pursuant to the terms and conditions of this Ordinance.

(3) "Building" means an independent, enclosed structure having a roof supported by columns or walls, intended and / or used for shelter or enclosure of persons or property. When any portion of a structure is completely separated from every other part by dividing walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure, regardless of whether the portions of such structure share common pipes, ducts, boilers, tanks, furnaces, or other such systems.

(4) "Township" means Pleasant Plains Township in Lake County, Michigan.

(5) "Board" or "Township Board," means the Township Board for Pleasant Plains Township.

(6) "Cultivation" or "cultivate" as used in this Ordinance means all phases of the growth of marihuana from seed to harvest.

(7) "Disqualifying felony" means a felony that makes an individual ineligible to serve as a registered primary caregiver under the MMMA or MMFLA.

(8) "Employee" means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

(9) "License" or "medical marihuana business license" means a license issued for the operation of a medical marihuana establishment pursuant to and in compliance with the terms and conditions of this Ordinance and includes a license which has been renewed pursuant hereto.

(10) "License application" means an application submitted for a license pursuant to the requirements and procedures set forth in this Ordinance.

(11) "Licensee" means a person issued a license for an establishment pursuant to this Ordinance.

(12) "Medical marihuana" means any marihuana intended for medical use that meets all requirements for medical marihuana contained in the MMMA and the MMFLA.

(13) "Medical marihuana establishment(s)" or "establishment(s)," means any facility, establishment and/or center authorized to be licensed under the MMFLA. In the Township, the only lawful medical marihuana establishments are medical marihuana grower facilities, medical marihuana provisioning centers, medical marihuana secure transporter facilities, medical marihuana processor facilities, and medical marihuana safety compliance facilities, all as further provided for in this Ordinance.

(14) "Medical Marihuana Facilities Licensing Act" or "MMFLA" means Public Act 281 of 2016, MCL 333.27101, et seq.

(15) "Medical marihuana grower facility," means a commercial entity located in the Township that is licensed to operate by the state pursuant to the MMFLA and is licensed by the Township pursuant to this Ordinance that cultivates, dries, trims or cures and packages medical marihuana in accordance with state law.

(16) "Medical marihuana licensing board" means that certain board established by the MMFLA.

(17) "Medical marihuana processor facility" or "processor" means a commercial entity located in this Township that is licensed to operate by the state pursuant to the MMFLA and is licensed by the Township pursuant to this Ordinance, that extracts resin from the marihuana or creates or manufactures a medical marihuana-infused product, to the extent permitted by state law.

(18) "Medical marihuana provisioning center," means a commercial entity licensed to operate by the state pursuant to the MMFLA, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by state law. Medical marihuana provisioning center, as defined in the MMFLA, includes any commercial property where marihuana is sold in conformance with state law and regulation. A noncommercial location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, and connected to the caregiver through the Department's marihuana registration process in accordance with the MMMA, is not a medical marihuana provisioning center.

(19) "Medical marihuana safety compliance facility" of "safety compliance facility" means a commercial entity that is licensed to operate by the state pursuant to the MMFLA and is licensed by the Township pursuant to this Ordinance, that receives marihuana from a medical marihuana establishment or a registered qualifying patient or a registered primary caregiver, and tests it for contaminants and for tetrahydrocannabinol and other cannabinoids in accordance with state law.

(20) "Medical marihuana secure transporter" or "secure transporter" means a commercial entity that is licensed to operate by the state pursuant to the MMFLA, that stores marihuana and transports marihuana between medical marihuana facilities for a fee and in accordance with state law.

(21) "MMMA" means the Michigan Medical Marihuana Act, as amended, at MCL 333.26421 *et seq*.

(22) "Ordinance" means this Ordinance.

(23) "Person" means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

(24) "Stakeholder" means, with respect to a trust, the beneficiaries, with respect to a limited liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

3. Necessity for License.

A. It is unlawful for any person to operate a medical marihuana establishment in the Township unless such person has first obtained a license from the Township under this Ordinance and additionally has a license to operate from the State of Michigan pursuant to the MMFLA. Every medical marihuana establishment in the Township must be licensed pursuant to the terms and provisions set forth in this Ordinance. A medical marihuana establishment of any kind operating without a license issued under the provisions of this Ordinance is a public nuisance and a nuisance *per se*.

B. The Zoning Administrator shall issue a license for a medical marihuana establishment only after the Zoning Administrator determines that the application and proposed facility are in strict compliance with the terms, conditions, and provisions of this Ordinance.

C. A license issued pursuant to this Ordinance shall be for a one year term, subject to renewal periods of one year.

D. Without limitation, a license issued under this Ordinance will be conditioned on the approval of the operator by the state for the particular type of license to be used in the Township and compliance with zoning approvals received from the Township.

E. Only the following licenses may be issued by the Township under this Ordinance:

(1) Grower licenses (regardless of the class of license [i.e., A, B or C]);

(2) Safety compliance facility licenses;

(3) Processor licenses.

(4) Secure transporter licenses; or

(5) Provisioning center licenses.

No other type of medical marihuana establishment shall be permitted to be licensed or operated within the Township.

4. Licensing Application.

A. A medical marihuana establishment must be licensed by the Township. Applications for a license shall be made in writing to the Zoning Administrator. All applications submitted to the Zoning Administrator in accordance with the provisions of this Ordinance shall be considered for the issuance of a license.

B. Each application shall contain a signed acknowledgement that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance, distribution, and use are currently subject to state and federal laws, rules, and regulations, and that the approval or granting of a license by the Township does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations or exposure to any penalties associated therewith; and further that the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Township, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may incur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agents of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack

of recourse against the Township, its elected and appointed officials, employees, attorneys, and agents.

C. A complete application for a license required by this Ordinance shall be made under oath on forms provided by the Township, and shall contain, at a minimum, all of the following:

(1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information and a copy of a government issued photo identification card of the applicant;

(2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation, and the operating agreement of the applicant, if a limited liability company;

(3) The name and address of the proposed medical marihuana establishment and any additional contact information deemed necessary by the Zoning Administrator;

(4) A signed release authorizing the Lake County Sheriff Department to perform a criminal background check to ascertain whether the applicant, each stakeholder of the applicant, each operator and each employee of the applicant meet the criteria set forth in this Ordinance and the MMFLA. To the extent permitted by law, and following its review of the same, the Lake County Sheriff Department may rely on a completed background check performed by the state under the MMFLA for the reviews and approval required of the Lake County Sheriff Department under this Ordinance;

(5) An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, then the reason therefore;

(6) For the applicant or for each stakeholder of the applicant, a resume that includes whether the individual has any relevant experience with medical marihuana or a related industry;

(7) A written description of the training and education that the applicant will provide to all employees;

(8) A copy of the proposed business plan for the establishment, including, but not limited to, the following: (i) the proposed ownership structure of the establishment, including percentage ownership of each person or entity,(ii) a current organization chart that includes position descriptions and the names of each person holding each position, and (iii) the type of license sought under this Ordinance;

(9) A description of the security plan for the medical marihuana establishment, including, but not limited to, any lighting systems, alarms, barriers,

recording/monitoring devices, and/or security guard arrangements proposed for the establishment and premises. The security plan must contain the specification details of each piece of security equipment. Any medical marihuana establishment must have security at all times;

(10) A floor plan of the medical marihuana establishment, as well as a scale diagram illustrating the property upon which the medical marihuana establishment is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible;

(11) Any proposed text or graphical materials to be shown on the exterior of the proposed medical marihuana establishment;

(12) A facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewage system is prohibited. All non-liquid waste shall be disposed of at a state-licensed landfill or as otherwise expressly permitted in accordance with regulations promulgated by the state;

(13) A description of procedures for testing of contaminants, including, without limitation, mold and pesticides;

(14) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the Township; specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the Township;

(15) An estimate of the number and type of jobs that the medical marihuana establishment is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the medical marihuana establishment;

(16) The following additional items shall be required as applicable:

(i) A cultivation plan that includes at a minimum a description of the cultivation methods to be used, including plans for the growing mediums, treatments, and / or additives;

(ii) A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by an accredited testing facility will be selected, what type of testing will be requested, and how the test results will be used;

(iii) An affidavit that all operations will be conducted in conformance with state law;

(iv) A chemical and pesticide storage plan that states the names of the pesticides to be used in cultivation and where and how pesticides and

chemicals will be stored in the establishment, along with a plan for the disposal of unused pesticides; and

(v) Acknowledgment that all cultivation must be performed within a building in raised beds over an impervious surface.

(17) Proof of an insurance policy covering the establishment and naming the Township, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least one million dollars for property damage; (b) at least one million dollars for injury to one person; and (c) at least two million dollars for injury to two or more person resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of "A" or better and must be authorized to do business in the state consistent with state law;

(18) An operational statement detailing the proposed hours of operations, activities to occur on site, anticipated impact on the community, proposed improvements to premises or areas within the Township, etc. Following approval of the operational statement by the Township, its provisions shall be incorporated as conditions into any license granted in accordance with this Ordinance;

(19) An estimate of the public utility usage of the licensed premises and detailed estimates of the amount of public water and sanitary sewer services required for operations;

(20) A complete list of any hazardous materials or substances that will be utilized by operations occurring on the premises or stored on the premises and where on the premises such materials will be utilized or stored and the manner of the same;

(21) One of the following: (a) proof of ownership of the entire premises wherein the medical marihuana establishment is to be operated or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises;

(22) A complete copy of the applicant's license application submitted to the state for a state operating license shall be provided when available;

(23) A facility infrastructure utility plan identifying the mechanisms by which the licensee will ensure that commercial operations at the facility will be separated from the Township's or Village of Baldwin's public water and sanitary sewer systems so as to avoid potential contamination or degradation of those public systems, how public water and the local aquifer will be protected from contamination, whether a closed system will be utilized, and a description of how liquid waste will be disposed. Relative to any grower, processor or safety compliance facility, a closed loop system is required as necessary to prevent the runoff or

discharge of hazardous materials, pesticides, herbicides or other materials into the Township's or Village's systems; and

(24) Any other information deemed necessary by the Township.

D. All applications shall be accompanied by a non-refundable license application fee (for each license sought) in an amount established by Township Board resolution. If an application is approved and a license issued, an annual license fee in an amount established by Township Board resolution shall be payable to the Township. The application fee and the annual fee are established to defray the costs of administration of this Ordinance.

E. Upon receipt of a completed application meeting the requirements of this section and nonrefundable license application fee, the Zoning Administrator shall refer a copy of the application to each of the following for their approval: the Fire Department, the County Code Official, the Lake County Sheriff Department Chief or designee, the Township Clerk, the Township Treasurer and the Township Supervisor.

F. No application shall be accepted by the Zoning Administrator unless:

(1) The Fire Department Chief or designee and the Lake County Code Official have inspected the proposed location and associated plans for compliance with all laws for which they are charged with enforcement and confirmed compliance with the requirements of this Ordinance and applicable laws;

(2) The Zoning Administrator has confirmed that the proposed location and operation complies with all requirements of the Township's Zoning Ordinance;

(3) The Township Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the Township;

(4) The Sheriff's Department has determined that the applicant has met the requirements of this Ordinance with respect to the background check and has approved a security plan consistent with the terms of this Ordinance; and

(5) The application and required other materials are complete.

G. If written approval is given by each individual or department identified in subsection F, above, the Zoning Administrator shall accept a copy of the application for consideration and evaluation.

5. License Application Evaluation.

An applicant shall be ineligible to receive a license for any of the reasons set forth in the MMFLA, this Ordinance or due to misrepresentations in the application process.

6. Licensing Regulations.

A. To the extent permissible under law, all information submitted in conjunction with an application for a license or license renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 Public Act 442, MCL 15.231 et seq.

B. All licensees must comply with any relevant Township Zoning Ordinance requirements.

C. Licensees may not transfer a license issued under this Ordinance to another location in the Township without first receiving written approval from the Zoning Administrator. In order to request approval to transfer a license location, the licensee must make a written request to the Zoning Administrator, indicating the current license location and the proposed license location. Upon receiving the written request, the Zoning Administrator shall refer a copy of the written request to each of the following for their approval: the Fire Department, the Lake County Code Official, the Sheriff's Department or designee, the Township Clerk, the Township Treasurer and the Township Supervisor. No license transfer shall be approved unless each such individual or department gives written approval that the licensee and the proposed license location meet the standards identified in this Ordinance and the Zoning Administrator has determined that the proposed location meets the requirements hereof.

D. Licensees shall report any other change in the information required by this Ordinance to the Zoning Administrator within 10 business days of the change. Failure to do so may result in suspension or revocation of the license.

E. As of the date of this Ordinance, the state has not established rules to implement the MMFLA. To the extent of any subsequent conflict between this Ordinance and such regulations, the more restrictive shall be deemed to control.

F. The Township may require the posting of a monetary performance guarantee in a form satisfactory to the Township and in an amount deemed reasonably necessary to ensure compliance with any conditions of the license granted and to ensure that the premises can be secured in the event of abandonment or similar circumstances.

G. A license only authorizes a licensee to conduct such activities as are authorized by the MMFLA and subject to the terms of the license issued by Township and any applicable zoning approvals.

H. So long as a license remains in effect, no tax abatements shall be granted of any kind for the licensed site or its operations.

I. Acceptance of the license by the applicant shall be subject to the licensee's acknowledgment and agreement with the terms of this Ordinance and an acknowledgment and agreement that neither the Township nor its officers or employees have any interest, financial or otherwise, in the operations associated with the license and a further agreement to indemnify, hold harmless and defend the Township, its officers and employees from any claims predicated

on the same. The indemnification obligation set forth herein shall survive any termination of a license granted under this Ordinance.

J. Nothing in this Ordinance is intended to confer a property or other right, duty, privilege or protectable interest of any kind that would entitle an applicant to an administrative hearing upon denial of an application or with regard to any scoring decision.

7. License Renewals.

A. Application for a license renewal required by this Ordinance shall be made in writing to the Zoning Administrator at least 60 days prior to the expiration of an existing license. A license renewal is valid for one (1) year.

B. An application for a license renewal required by this Ordinance shall be made under oath on forms provided by the Township, and shall contain all of the information required herein.

C. An application shall be accompanied by a nonrefundable renewal fee in an amount established by Township Board resolution. The renewal fee is established to defray the costs of the administration of this Ordinance.

D. Upon receipt of a completed application meeting the requirements of this Ordinance and the license renewal fee, the Zoning Administrator shall refer a copy of the renewal application to each of the following for their approval: the Fire Department, the Lake County Code Official, the Lake County Sheriff Department or designee, the Township Clerk, the Township Treasurer, and the Township Supervisor.

E. No renewal application shall be approved unless:

(1) The Fire Department and the Lake County Code Official have inspected the proposed location for compliance with all laws for which they are charged with enforcement within the past calendar year;

(2) The Zoning Administrator has confirmed that the proposed location currently complies with the Zoning Ordinance and this Ordinance;

(3) The Township Treasurer has confirmed that the applicant and each stakeholder of the applicant and the proposed location of the facility are not currently in default to the Township;

(4) The Sheriff's Department Chief or designee has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the background check and security plan; and

(5) The Zoning Administrator has reviewed the application for compliance with this Ordinance.

F. If written approval or conditional approval is given by each individual or department identified in subsection E and all of the requirements of this Ordinance are met, the Zoning Administrator shall issue a license renewal to the applicant. The renewal shall be deemed approved if the Township has not issued formal notice of approval, conditional approval or denial within 60 days of a complete application being filed.

8. No Vested Rights.

A property owner shall not have any vested rights or lawful nonconforming use rights that would serve as a basis for failing to comply with this Ordinance or any amendment of this Ordinance.

9. License Denial or Revocation.

A. A license issued under this Ordinance may be revoked after an administrative hearing and a determination that any grounds for revocation under subsection B, below, exist. Notice of the time, date and place of the hearing and the grounds for revocation must be given to the licensee at least 15 days prior to the date of the hearing, by certified mail to the address given on the license application or any address provided pursuant to this Ordinance.

B. Except as elsewhere provided in this Ordinance, a license issued under this Ordinance may be denied or revoked on any of the following bases:

(1) A material violation of any provision of this Ordinance or state law;

(2) Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an ownership interest in the license;

(3) Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this Ordinance requires a license;

(4) Failure to obtain and maintain a license from the Township Clerk;

(5) The medical marihuana establishment is determined by the Township to have become a public nuisance;

(6) The licensee has abandoned the premises for which the license was granted or has otherwise violated a provision of a Township Ordinance; or

(7) Either:

(i) State or federal law enforcement notifies the Township that the Township is at risk of losing funding, grants or other monies or being in any way subject to sanctions due to the presence or approval of any medical marihuana facility in the Township; or

(ii) If the state or federal government (or any agency or subdivision thereof) threatens or indicates that it will in any way sanction, prosecute or sue the Township (or any of its employees, officials, officers, agents, departments, commission or boards) due to the presence or approval of any medical marihuana facility in the Township.

C. Appeal of denial of an application or revocation of license: the Township Clerk shall notify an applicant of the reason(s) for denial of an application or revocation of a license and provide the applicant with the opportunity to be heard. Any applicant aggrieved by the denial or revocation of a license under this Ordinance may appeal to the Township Clerk, who shall appoint a hearing officer. An appeal must be filed with the Township Clerk within 15 days after notice of the action complained of has been mailed (by certified mail) to the applicant's last known address on the records of the Township Clerk and must be supported by a written statement setting forth the grounds for the appeal. The review on appeal of a denial or revocation shall be limited to whether there has been an abuse of discretion in the decision or that the decision is not supported by material and competent evidence. The hearing officer shall review the appeal and forward a recommendation to the Township Board. The final decision on an appeal shall rest with the Township Board which shall receive a report and recommendation from the hearing officer and render its determination.

D. Notwithstanding any provision herein, an applicant has no right to the issuance of a license or renewal license and the same may be denied by the Township Board as deemed in the best interest of the Township for any reason or reasons given in writing.

10. Authorization of Facilities; Maximum Number of Facilities.

The maximum number of each type of marihuana facility allowed in Pleasant Plains Township shall be as follows:

Facility	Number
Grower	3
Processor	2
Secure Transporter	1
Provisioning Center	2
Safety Compliance Facility	1

A facility or operation on a particular property may be comprised of one or more of the above five types of facilities on one site, but shall count against the total number of facilities allowed above. The Township Board shall review the number of permits allowed every one (1) years and may adjust them accordingly by resolution.

11. Administrative Penalties for License Violation; Temporary Suspension.

A. The Township may require an applicant or licensee of a medical marihuana facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for an application denial or license revocation.

B. Any person in violation of any provision of its license or other provisions of any Township Ordinance shall be subject to licensing penalties, fines and costs. Increased fines may be imposed for a repeat violation. As used in this section, "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any 12-month period. Unless otherwise specifically provided in this Ordinance or any other section of a Township ordinance for a civil fine, the penalty schedule is as follows:

(1) $500, plus costs, for the first violation;

(2) $750, plus costs, for a repeat violation; and

(3) $750, plus costs, per day, for any violation that continues for more than one day.

C. All fines imposed under this Ordinance shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.

D. The Zoning Administrator may temporarily suspend a medical marihuana establishment license without a prior hearing if the Zoning Administrator finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The Zoning Administrator shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

E. If the Zoning Administrator temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within 30 days after the suspension notice has been served on the licensee or posted on the licensed premises. In the case of a license issued for a medical marihuana grower facility, the hearing shall be held within seven days after the notice has been served on the licensee or posted on the premises of the licensed facility. The hearing shall be limited to the issues mentioned in the suspension notice.

F. If the Township Board does not hold a hearing within 30 days after the date the suspension was served on the licensee or posted on the licensed premises, or in the case of a grower facility seven days, then the suspended license shall be automatically reinstated and the suspension vacated.

G. The penalty provisions of this Ordinance are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the Township, including criminal prosecution.

12. Violations of this Ordinance. Except as otherwise provided by law, a person convicted of a violation of this Ordinance shall be guilty of a misdemeanor and punished by a fine not to exceed $500.00, imprisonment for a period of not more than 90 days, or both; however, unless otherwise provided by law, a person convicted of a violation of any provision of this Ordinance that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine of not more than $500.00, imprisonment for a term of not more than 93 days, or both. A person convicted of a violation of this Ordinance shall be responsible for all costs. All penalties and Township remedies under this Ordinance shall be deemed to be cumulative and not exclusive.

13. Repealer. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules, inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and of no effect.

14. Severability. Should any section, clause or phrase of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

15. Effective Date. This Ordinance shall become effective upon the expiration of fifteen (15) days after this Ordinance or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: _____

_____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Board for Pleasant Plains Township at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By _____
Elizabeth Knight
Pleasant Plains Township Clerk