

## GENERAL/LICENSING ORDINANCE

### BATH CHARTER TOWNSHIP, CLINTON COUNTY, MICHIGAN MICHIGAN MEDICAL MARIHUANA FACILITIES LICENSING ORDINANCE

#### Ordinance No. 68

At a meeting of the Township Board of Bath Charter Township, Clinton County, Michigan, held at the Bath Charter Township Hall on September 3, 2019, at 6:00 p.m., Township Board Member Cronk moved to introduce the following Ordinance for posting, publication and subsequent final adoption, which motion was seconded by Township Board Member Benzie:

*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.*

THE CHARTER TOWNSHIP OF BATH, CLINTON COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: TITLE.** This ordinance shall be known as and may be cited as Bath Charter Township Michigan Medical Marihuana Facilities Licensing Ordinance.

**SECTION 2: DEFINITIONS.** The following words and phrases shall have the following definitions when used in this Ordinance:

1. “*Application*” 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*.”
2. “*Clerk*” means the Bath Township Clerk or his/her designee.
3. “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
  - a. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended (“MMFLA”);
  - b. “*Processor*,” as that term is defined in the MMFLA;
  - c. “*Secure Transporter*,” as that term in the MMFLA;
  - d. “*Grower*,” as that term is defined in the MMFLA;

- e. *“Safety Compliance Facility,”* as that term is defined in the MMFLA.
4. *“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 Medical Marihuana Facility.
  5. *“License”* means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
  6. *“Licensee”* means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.
  7. *“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.
  8. *“Permit Holder”* means the Person that holds a current and valid Permit issued under this Ordinance.
  9. *“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.
  10. *“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.
  11. *“Marihuana”* means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
  12. *“Medical Marihuana”* means that term as defined in MCL 333.26423.
  13. *“Paraphernalia”* means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.
  14. *“Patient”* means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
  15. *“Person”* means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
  16. *“Public Place”* means any area in which the public is invited or generally permitted in the usual course of business.
  17. *“Township”* means the Charter Township of Bath, a charter township located in Clinton County, Michigan.

**SECTION 3: PERMIT REQUIRED; NUMBER OF PERMITS AVAILABLE; ELIGIBILITY; GENERAL PROVISIONS.**

1. The Township 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. Growers, Class A
  - b. Growers, Class B
  - c. Growers, Class C
  - d. Processors
  - e. Safety Compliance Facilities
2. The number of Commercial Medical Marihuana Facility Permits in effect at any time shall not exceed the following maximums within the Township:
  - a. Grower Permits, Class A: {No limit}
  - b. Grower Permits, Class B: {No limit}
  - c. Grower Permits, Class C: {No limit}
  - d. Processor Permits: {No limit}
  - e. Provisioning Center Permits: ZERO
  - f. Safety Compliance Facility Permits: {No limit}
  - g. Secure Transporter Permits: ZERO
  - h. The Township Board may review and amend these numbers 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. No person shall operate a Commercial Medical Marihuana Facility at any time and at any location within the Township unless an effective Permit for that person at that location has been issued under this Ordinance.
4. Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
5. 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 ordinances.
6. At the time of Application, each Applicant shall pay applicable fees, including Application fees, annual fees, renewal fees, transfer fees, and inspection fees, for Permits to the Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Commercial Medical Marihuana Facilities. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law.

7. A Permit or Renewal Permit shall remain valid only for one year following its approval.
8. A Permit and a 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 immediately following its approval.
9. Each year, any pending Applications for renewal, amendment, or transfer 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 all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.
11. No Permit issued under this Ordinance may be transferred to any Person unless the transferee has submitted an Application, all required fees under this Ordinance and has been granted a Permit by the Township Board after complying with Section 4 of this Ordinance.
12. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit, whether through a single transaction or the combined sum of multiple transactions, is permitted unless the transferee has submitted an appropriate Application and all required fees under this Ordinance.
13. The Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
14. 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 and all articles of property in that Facility at any time to ensure compliance with this Ordinance, any other local regulations, and with the Permit.
15. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility in 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.

**SECTION 4: 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 Township Zoning Ordinance, to the extent such ordinances do not create obligations in conflict with this Ordinance. In addition, any Commercial Medical Marihuana Facility shall comply with the provisions of the Medical Marihuana Facilities Licensing Act.

## SECTION 5: APPLICATION FOR, RENEWAL OF, AND TRANSFER OF PERMITS.

1. **Application.** An Application for a Permit for a Facility shall be submitted to the Clerk, and shall contain the following information:
  - a. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Commercial Medical Marihuana Facility;
  - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
  - c. One (1) copy of all 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 Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
    - 2) If the proposed 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 that indicates its legal status (including amendments),
    - 3) A statement of all owners and their percentage of ownership in the company or corporation 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.
    - 4) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
    - 5) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
    - 6) Application for Sign Permit, if any sign is proposed.
    - 7) Non-refundable Application fee.
    - 8) 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 of this Ordinance, which shall include a general description of the security systems(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 State prior to commencing operations.
  - iii. A description by category of all products to be sold.
  - iv. All Material Safety Data Sheets for any nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana 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 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 used at the Facility.
- 9) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
- 10) 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.
- 11) 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.
- 12) Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
- d. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
- e. Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.
- f. Applicant and all related Persons acknowledge and consent to a background check and investigation by the Township as a condition of the Township processing and reviewing the application for approval or denial of a permit.

- g. A Renewal Application may expressly incorporate by reference information or documentation contained in the original Permit Application or prior Permit Renewal Application, making it clear where such information or documentation can be found, provided that the information or documentation has not changed.
  - h. Prior to the approval or renewal of an Application for a Grower Permit, an Applicant may amend the Class of the Grower Permit Application 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. The Applicant will be required to show proof of a valid state license allowing operation of the new class of the Grower Permit prior to operation.
2. **Renewal Application.** The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) 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 one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete Renewal Application 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 5(7)(b). The application for the right to file a delayed Renewal Application must be filed by the expiration date, and the applicable 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 12 months after the expiration date.
3. **Transfer Application.**
- a. The same requirements that apply to all new Applications for a Permit apply to all Applications transferring an existing permit to a new legal entity or individual. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
  - b. No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Township Board. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.
4. **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 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 Clerk prior to any sale or transfer of stock or membership interest. The Application shall include all of the following:
- 1) The names, home 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 stock or membership interest, 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 valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
  - 4) 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.
  - 5) Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
  - 6) A non-refundable Application fee, as set by resolution by the 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 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 entity 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 Clerk to amend the Application. Upon approval by the Clerk, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits the documents required under Section 4(4)(a). The Township Board may set a fee by resolution.



d. The following actions constitute transfer of control and require Township Board approval.

- 1) *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 interest.
- 2) *Limited Liability Companies*. Any transfer of more than 1% of membership interest or any change in managing members of any limited liability company holding a Permit constitutes a transfer of ownership.
- 3) *Partnerships*. Any transfer 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 interest.

**5. Approval, Issuance, Denial and Appeal.**

- a. All inspections, review and processing of the Application, including transfer Applications, 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 Board. 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: (1) with respect to a denial of a new Permit, the pendency of an appeal shall not have the effect of granting rights to an Applicant, subject to an order of the court; and (2) with respect to a Renewal Application, provided that the Applicant has paid all required fees (and any additional fees required during the pendency of the appeal), the pre-existing Permit shall be extended during the pendency of the appeal, unless otherwise ordered by a court.

6. **No Building Currently Existing.** Any Applicant for a Commercial Medical Marijuana 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.

**7. Effect of Transfer.**

- a. Immediately following the approval of a transfer of ownership by the Township Board, 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 5(3), the deadlines for expiration and renewal for a transferred Permit will run from the date the transfer was effectuated.
- c. For transfers under Section 5(4), the renewal and termination dates of the Permit shall not change.
- d. For transfers under Section 5(3) where no building is yet in existence, the deadline for construction set forth in Section 5(6) shall be extended to one year immediately following the date the transfer is effectuated, but construction must commence within three years after the Township's initial approval of the Permit, regardless of any subsequent transfers.

**8. 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 thirty (30) 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 date when the Applicant, any owner, principal officer, director, or manager has notice 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, 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, 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 date when the Applicant, any owner, principal officer, director, or manager has notice of the event.

**SECTION 6: OPERATIONAL REQUIREMENTS – COMMERCIAL MEDICAL MARIHUANA FACILITIES.** A Commercial Medical Marihuana Facility issued a Permit under

this Ordinance and operating in the 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 Marijuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the Medical Marijuana Facilities Licensing Act or this Ordinance. The Facility must hold a valid local Permit and State Commercial Medical Marijuana Facility License for the type of Commercial Medical Marijuana 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.
2. *Required Documentation.* Each Commercial Medical Marijuana Facility shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marijuana 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 Marijuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
3. *Security.* Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
  - a. Security surveillance HD cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
  - b. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
  - c. A locking vault permanently affixed to the Permitted Premises that shall store all Marijuana and cash remaining in the Facility overnight, except for Marijuana actively grown in a Grower Facility;
  - d. All forms of Marijuana stored at a Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Property, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
  - e. All security recordings and documentation shall be preserved for at least 30 days by the Permit Holder and made available to any law enforcement upon request for inspection.
4. *Required Spacing.* No Commercial Medical Marijuana Facility shall be located within one-thousand (1,000) feet from any educational institution or school, , , or licensed day care, if such uses are in existence at the time the Facility is established, with the minimum distance between uses measured horizontally between the nearest property lines. No Commercial Medical

Marihuana Facility shall be located within 1,000 feet of Webster Road between the westbound I-69 entrance ramp on the south and Clark Road on the north.

5. *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.
6. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
7. *Sign Restrictions.* No pictures, photographs, drawings or other 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.
8. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances other than legally prescribed medications, including Marihuana, on the Permitted Premises is prohibited.
9. *Indoor Operation.* All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the Permitted Premises.
10. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
11. *Distribution.* No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
12. *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.
13. *Waste Disposal.* The permit holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
14. *Transportation.* Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:

- a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
- b. In a manner consistent with all applicable state laws and rules, as amended;
- c. In a secure manner designed to prevent the loss of the Marihuana;
- d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words "Marihuana", "cannabis" or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.

15. *Additional Conditions.* The 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 compliance with the requirements of this Ordinance and applicable law.

**SECTION 7: 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 \$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 forfeiture for any municipal civil infraction shall be five hundred dollars (\$500.00) plus court costs, attorney fees and abatement 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. Revocation. A Permit issued under this Ordinance may be denied, limited, revoked, or restricted under any of the following conditions:
  - a. Any fraudulent, false, misleading, or material misrepresentation contained in the Application.

- b. Repeat violations of any requirements of this Ordinance or other applicable law, rule, or regulation. As used in this subsection, the term “repeat offense” means a second (or any subsequent) misdemeanor violation or civil infraction of the same requirement or provision committed within any six-month period and upon conviction or responsibility thereof.
- c. A valid License is not maintained as required by this Ordinance.
- d. The Permit Holder, its agent, manager, or employee failed to timely submit any document or failed to timely make any material disclosure as required by this Ordinance.

If a Permit is revoked or limited under this Ordinance, the Township or its designee shall issue a notice stating the revocation, limitation, or restriction including the reason for the action and providing a date and time for an evidentiary hearing before the Township Board.

- 4. 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.
- 5. 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.

**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: SAVINGS CLAUSE.** This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

**SECTION 10: EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its publication.

**SECTION 11: REPEAL.** All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

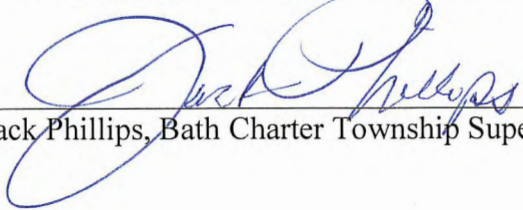
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YEAS: Phillips, McQueen, Benzie, Cronk, Rosekrans

NAYS: None

ABSENT/ABSTAIN: Wiswasser, McCrimmon

ORDINANCE DECLARED ADOPTED:

  
\_\_\_\_\_  
Jack Phillips, Bath Charter Township Supervisor

**AFFIDAVIT OF POSTING AND PUBLICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance introduced for publication and subsequent final adoption by the Bath Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on September 3, 2019, pursuant to the required statutory procedures.
2. The complete text of the proposed Ordinance was posted at the Township Clerk's office and on the Township's website on September 4, 2019.
3. The attached Notice of Posting of the Ordinance was duly published in the DeWitt/Bath Review and Towne Courier newspaper, a newspaper that circulates within Bath Charter Township, on September 8, 2019, within not more than seven (7) days after the posting.

ATTESTED:

  
\_\_\_\_\_  
Kathleen McQueen, Bath Charter Township Clerk

**Bath Charter Township, Clinton County, Michigan  
Michigan Marihuana Facilities Licensing Ordinance  
Notice of Posting after First Reading**

Ordinance No. 68

At a meeting of the Township Board of Bath Charter Township, Clinton County, Michigan, held at the Bath Charter Township Hall on September 3, 2019, at 6:00 p.m., the Township Board introduced for posting, publication and subsequent final adoption a proposed Michigan Marihuana Facilities Licensing Ordinance, proposed Ordinance No. 68. The proposed Ordinance would 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. Copies of the complete text of the proposed Ordinance were posted at the office of the Township Clerk at 14480 Webster Road, Bath, MI 48808 and on the Township's website: [bathtownship.us](http://bathtownship.us)

By Order of the Bath Charter Township Board

Kathleen McQueen, Township Clerk  
(517) 641-6728



**BATH CHARTER TOWNSHIP  
CLINTON COUNTY, MICHIGAN  
MEDICAL MARIHUANA ZONING ORDINANCE**

**ORDINANCE NO. #31.61**

**SUMMARY FOR PUBLICATION**

This is a summary notice of the Medical Marihuana Ordinance. A copy of the complete ordinance can be inspected or obtained from the Township Clerk at the Bath Township Offices at 14480 Webster Road, Bath, Michigan 48808 or online at the Township website at [www.bathtownship.us](http://www.bathtownship.us).

The text amendment will add amend the definitions to Sec. 3.02, Definitions; add medical marihuana grow facilities, processing facilities and safety compliance facilities to Sec. 6.04; and add medical marihuana processing facilities and safety compliance facilities to Sec. 9.04 of the Bath Township Zoning Ordinance.

This Ordinance shall become effective 7 days after publication of notice of adoption.