

**TOWNSHIP OF OVID
COUNTY OF BRANCH, STATE OF MICHIGAN
ORDINANCE NO. 30
ADOPTED: DECEMBER 14, 2020
EFFECTIVE: JANUARY 19, 2021**

Ovid Township having adopted Ordinance No. ____, cited as the Township of Ovid Adult-Use Marihuana Establishments Ordinance, and whereas Ovid Township believes it is in the best interest of its citizens to adopt this ordinance which establishes processes and regulations for the marihuana retail establishments permitted under Ordinance No. 29.

**THE TOWNSHIP OF OVID
BRANCH COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known and may be cited as the "Township of Ovid Regulation of Adult-Use Marihuana Establishments Ordinance".

**SECTION II
PURPOSE**

The purpose of this Ordinance is to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Prop 1 of 2018, so as to protect the public health, safety, and welfare of the citizens of Ovid Township by setting forth the manner in which adult-use retail marihuana establishments can be operated in the Township. Further, the purpose of this Ordinance is to:

1. Provide a means to regulate and control the retail distribution of marihuana and for purposes of implementing, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq. (hereafter referred to as the "MRTMA" or the "Act") and Ordinance No. 29;
2. Impose fees to defray and recover the costs to Ovid Township of the administrative and enforcement costs associated with Marihuana Establishments, and Municipally-Licensed marihuana activities as provided for in the MRTMA and Ordinance No. 29;
3. Coordinate with laws and regulations that may be enacted by the State addressing marihuana, including but not limited to the Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency Adult-Use Marihuana Establishments Emergency Rules (LARA Rules), as amended from time to time;
4. To restrict the issuance of Marihuana Establishment Municipal Licenses only to individuals and entities that have demonstrated an intent and ability to comply with this Section, and with State law and regulation, without monitoring by Township officials;
5. Recognize that regulations for marihuana may not be adequate at the state level to address the impacts on Ovid Township of the commercialization of marihuana, making it appropriate for local regulation of the impact of marihuana establishments;
6. Recognize that nothing in this Ordinance is intended to promote or condone the production, distribution, sale or possession of marihuana in violation of any applicable law;
7. Recognize that this Ordinance is to be construed to protect the public over marihuana establishment interests.

8. Marihuana establishment interest is a revocable privilege and not a right in Ovid Township. There is no property right for an individual or establishment to engage or obtain a municipal license to engage as an adult-use retail marihuana establishment in the Township;
9. To make it known that because marihuana is a heavily regulated industry, all municipal license holders are assumed to be fully aware of the law, the Township shall not be required to issue any warnings before issuing citations for violation of this Ordinance; and
10. Recognize that as of the effective date of this Ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal Law which makes it unlawful to manufacture, distribute, cultivate, produce, possess, dispense or transport marihuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under Federal Law.

SECTION III **DEFINITIONS**

The following words, terms and phrases when used in this Ordinance shall have following meanings:

1. "*Applicant*", unless specifically stated to mean a state License, means an individual, organization, partnership, company, corporation enterprise, or other entity that applies for a Municipal License as well as the person or persons associated with the Applicant. For purposes of this definition, an Applicant includes a managerial employee of the Applicant, a person holding a direct or indirect ownership interest of more than 10% in the Applicant, and the following for each type of Applicant:
 - For an individual or sole proprietorship: the proprietor and spouse.
 - For a partnership and limited liability partnership: all partners and their spouses.
 - For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
 - For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
 - For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
 - For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

For purposes of this definition, an Applicant does not include:

- A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused

products by the applicant who is a franchisee. Nothing herein shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms "franchise," "franchisor," and "franchisee" shall have the meanings set forth in section 2 of the Franchise Investment Law, 1974 PA 269, MCL 445.1502.

- A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
 - A person receiving reasonable payment under a licensing agreement or contract concerning the licensing of intellectual property including, but not limited to, brands and recipes.
2. "*Application*" means an Application for a Municipal License under this Ordinance and includes all supplemental documentation attached or required to be attached thereto.
 3. "*Application Documents*" means the items required as part of an Application submitted to Ovid Township prior to them being accepted as complete as provided in Section VI(1).
 4. "*Board*" means the marihuana licensing board, as anticipated by the MRTMA to be created at LARA in order to regulate and administer state licenses.
 5. "*Clerk*" means the Township of Ovid Clerk or his/her designee.
 6. "*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 Marihuana Establishment.
 7. "*License*" means a current and valid License for Marihuana Establishment issued by the State of Michigan.
 8. "*Licensee*" means a Person holding a current and valid Michigan License for a Marihuana Establishment.
 9. "*Marihuana*" means that term as defined in Section 3 of the MRTMA, MCL 333.27953.
 10. "*Marihuana Accessories*" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
 11. "*Marihuana Establishment*" means a Marihuana Retailer licensed by the Department pursuant to MCL 333.27951.
 12. "*Marihuana-Infused Product*" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
 13. "*Marihuana Retailer*" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
 14. "*Marihuana Secure Transporter*" means a person licensed to obtain marihuana from marihuana establishments in order to transport Marihuana, and money associated with the purchase or sale of Marihuana, to Marihuana Establishments.
 15. "*Michigan Marihuana Facilities Licensing Act*" or MMFLA means Public Act 281 of 2016, MCL 333.27101 et seq. as may be amended.
 16. "*Municipal License*" means a current and valid license for a Marihuana Establishment issued under this Ordinance, which shall be granted to a Municipal License Holder only for and limited to a specific Municipally Licensed Premises and a specific Municipally-licensed Property. Municipal License shall be in addition to the

Special Use Permit required to be obtained pursuant to the Ovid Township Zoning Ordinance.

17. "*Municipal License Holder*" means the an individual, organization, partnership, company, corporation enterprise, or other entity that holds a current and valid Municipal License issued under this Ordinance as well as the person or persons associated with the Municipal License Holder as Applicant(s) for that Municipal License.
18. "*Municipal License Slot*" means an unissued permit available to be issued to an Applicant.
19. "*Municipally-Licensed Premises*" means the particular building, buildings, or tenant space within which the Municipal License Holder will be authorized to conduct the facility's activities pursuant to the Municipal License.
20. "*Municipally-Licensed Property*" means the real property comprised of a lot, parcel or other designated unit of real property upon which the Municipally- Licensed Premises is situated.
21. "*Person*" means a natural person, company, partnership, profit or non-profit corporation, Limited Liability Company, or any joint venture for a common purpose.
22. "*Premises*" means the particular building, buildings, section of land, or tenant space within which a particular use is conducted.
23. "*Public Place*" means any area in which the public is invited or generally permitted in the usual course of business.
24. "*Rules*" means rules promulgated by the Department in consultation with the Board to implement this Act, including the LARA Rules as may be amended.
25. "*School*" means any property owned or leased by an elementary, parochial, private, or secondary school, including buildings, fields, or other property utilized by the school. elementary, parochial, private and secondary schools are defined as in the Ovid Township Zoning Ordinance.
26. "*State Operating License*" or, unless the context requires a different meaning from "*License*", means a license issued by the Department that allows a person to operate a Marihuana Establishment.
27. "*Window*" means the time period set by the Township Clerk to receive Applications for evaluation by the competitive process as specified in this Ordinance.

SECTION IV

MUNICIPAL LICENSE REQUIREMENTS; ELIGIBILITY; GENERAL PROVISIONS

1. Ovid Township hereby authorizes the operation of two (2) Marihuana Establishments. Except those specifically permitted by this Ordinance, all other marihuana establishments permitted under the MRTMA are strictly prohibited in Ovid Township, consistent with Ordinance No. 28 adopted by Ovid Township on February 11, 2019.
2. No person shall operate a Marihuana Establishment at any time or any location within Ovid Township unless a currently effective Municipal License for that person at that location has been issued under this Ordinance.
3. No Marihuana Establishments are allowed, nor shall a Municipal License be considered or granted for those activities and facilities defined as a "special license" being a state license described under section 8 of the MRTMA and issued by the state pursuant to section 9 of the MRTMA, including but not limited to, Designated Consumption Establishment, Marihuana Event Organizer, Temporary Marihuana Event, and any special license types hereafter recognized by the state.

4. Marihuana Establishments shall operate only as allowed under this Ordinance.
5. The Township Clerk is granted the power to fully and effectively implement and administer the Municipal License Application process.
6. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or Municipal Licensing requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
7. As specified in this Ordinance, each Applicant shall pay nonrefundable Review fees, Application fees, annual fees, renewal fees and inspection fees for Municipal Licenses to Ovid Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Marihuana Establishments. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. The Municipal License fee requirement shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or Township law or ordinance, including, by way of example, any applicable zoning or building permits.
8. The Township has no obligation to process or approve any incomplete Application.
9. A Municipal License shall remain valid for one year following removal of all stipulations on an issued Municipal License.
10. It is the sole and exclusive responsibility of each Municipal License Holder or Applicant at all times during the Application period and during its operation to immediately provide Ovid 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 Municipal License.
11. No Municipal License issued under this Ordinance may be assigned or transferred to another person or entity except as specified in this Ordinance. No Municipal License issued under this Ordinance is transferrable to any other location except for the Municipally-Licensed Premises on the Municipally- Licensed Property.
12. The original Municipal License issued under this Ordinance shall be prominently displayed at the Municipally-Licensed Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
13. A Municipal License Holder may not engage in any other Marihuana Establishment in the Municipally-Licensed Premises or on the Municipally- Licensed Property, or in its name at any other location within Ovid Township, without first obtaining a separate Municipal License.
14. No Municipal License shall be granted or renewed for a Marihuana Establishment in a residence.

SECTION V
OTHER LAWS AND ORDINANCES

In addition to the terms of the Ordinance, any Marihuana Establishment shall comply with all Township Ordinances, including without limitation the Ovid Township Zoning Ordinance, and with all other applicable state and local ordinances, laws, codes, Rules, and regulations.

SECTION VI
APPLICATION FOR AND REMOVAL OF MUNICIPAL LICENSE

1. *Application Documents.* Application Documents for a Municipal License for a Marihuana Establishment shall be submitted to the Zoning Administrator. Information obtained from the Applicant is exempt from public

disclosure under state law. Upon receipt, review, and approval as outlined in this Ordinance of all Application Documents by Ovid Township staff, the Documents will be considered a complete Application. The Application Documents shall contain the following information:

- a) The name, address, phone number and email address of the Applicant and the proposed Marihuana Establishment;
- b) The names, home addresses and personal phone numbers for all Applicants and the Marihuana Establishment;
- c) One (1) copy of the following:
 - i. Pre-approval for a Marihuana Establishment license by the State of Michigan.
 - ii. All documentation of the Applicant's valid tenancy, ownership or other legal interest in the proposed Municipally-Licensed Property and Municipally-Licensed Premises. If the Applicant is not the owner of the proposed Municipally-Licensed Property and Municipally-Licensed Premises, a notarized statement from the owner of such property authorizing the use of the property for a Marihuana Establishment.
 - iii. If the Applicant is a corporation, non-profit organization, Limited Liability Company or any other entity other than a natural person, indicate its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing.
 - iv. A valid, unexpired driver's license or state issued ID for all Applicants for the proposed Marihuana Establishment.
 - v. Evidence of a valid sales tax license for the business required by state law or local regulations.
 - vi. Non-refundable Marihuana Establishment Application Document Review fee.
 - vii. Business and Operations Plan, showing in detail the Marihuana Establishment's proposed plan of operation, including without limitation, the following:
 - A. A description of the proposed operation and the anticipated or actual number of employees.
 - B. A security plan meeting the requirements of Section VII(3) of this Ordinance.
 - C. A description by category of all products to be sold.
 - D. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Municipally-Licensed Premises.

E. A plan for the disposal of Marihuana and related byproducts that will be used at the Marihuana Establishment.

- viii. 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.
- ix. A site plan and interior floor plan of the Municipally-Licensed Premises and the Municipally-Licensed Property signed and sealed by a Michigan registered architect, or professional engineer. Site plan must include distance between the Municipally-Licensed Premises and all applicable buffered uses identified in Section VII(5) of this Ordinance, unless those uses are greater than 1,500 ft. from the Municipally-Licensed Premises.
- x. Information regarding any other Marihuana Establishment or Medical Marihuana Facility that the Applicant or any of the Applicant's Owners directors, officers or managers is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each Marihuana Establishment or Medical Marihuana Facility.

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

2. *Review of Application Documents.* Applications must be complete and shall be considered on a competitive basis as required and set forth by MCL 333.27959.4. All Application Documents submitted by a potential Applicant will be reviewed by Ovid Township staff for completeness with the requirements of this subsection before being considered a complete Application. All Application Documents will be stamped or otherwise identified by Township staff at the date and time they are submitted by a potential Applicant.

- a) Township staff has ten (10) business days to review the Application Documents and determine if they are complete.
- b) Complete Application Documents will be accepted as an Application under this Ordinance and processed. A determination of a complete Application shall not prohibit Ovid Township from requiring supplemental information at any time during the Application process.
- c) If Application Documents are found to be incomplete, the prospective Applicant will be notified in writing of the deficiencies and given ten (10) business days to correct those deficiencies.
- d) If the deficiencies are corrected within the ten (10) business days, the Application Documents will be considered complete and accepted as an Application under this Ordinance.

3. *Competitive Process per MCL 333.27959.4.*

- a) The Township Clerk shall open a Window for acceptance of Applications of Municipal Licenses. The timing and duration of the Window shall be determined by the Township Clerk. If a Municipal License is available for a Marihuana Establishment, the Township Clerk must open a Window at least once per calendar year.
- b) At the end of a Window, if the number of Applications for a Marihuana Establishment Municipal License exceeds the number of available Municipal Licenses, Ovid Township shall decide among Applications by a competitive process intended to select the Applicant(s) who are best suited to operate in compliance with the Act within Ovid Township.
- c) Applications to be included in the competitive process include all those whose Application Documents were date and time stamped as submitted prior to the end of the Window and which were able to be considered complete and accepted as an Application.
- d) The Applicants and their Applications will be ranked in the order of which is best suited to operate in compliance with the Act within Ovid Township as determined by the Township Clerk or his or her designee. This ranking will be used to fill available Municipal License Slots, starting with the best suited Applicant and Application, until all available Municipal License Slots are filled. The competitive criteria to be used shall be as follows:
 - i. Review of the Applicant's completely submitted, detailed Application (including plans which address the provisions of this Section and related provisions), which illustrates the likely success of the proposed business, in harmony with surrounding properties at the proposed site;
 - ii. Whether the Applicant is currently in default/arrears on any taxes or fees otherwise due to Ovid Township, has a history of noncompliance or violations with Township Ordinances or applicable laws, or has been served with any complaint or notice filed by or with any public body regarding the delinquency in the payment of any tax required under federal, state or local law;
 - iii. Whether the Applicant is/was a business operating in Ovid Township within the past two years that has demonstrated a commitment to doing business in the Township, having contributed to helping the Township succeed in a manner harmonious for all residents and property types;
 - iv. Whether the Applicant has a history of criminal conviction/plea, other than as specified by the MRTMA, MCL 333.27958.1.(c);
 - v. Whether the 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, or has proceedings pending related to such;
 - vi. Whether the Applicant filed, or had filed against it/him/her, a proceeding for bankruptcy or been involved in any formal process to adjust, defer, suspend

or otherwise work out payment of a debt in the past seven years;

4. *Processing and Review of Applications.*

- a) An Application will be held until a Window is established to select the Applications to fill an available Municipal License Slot.
- b) An Application will be considered for a Municipal License Slot through the competitive process as specified in this Ordinance. When an Applicant is awarded the Municipal License Slot through the competitive process, the Applicant will be notified and will be given five (5) business days to pay the Marihuana Establishment Application Fee. If an Applicant does not pay the fee within the time allotted, the next Application as ranked by the competitive process during the applicable Window will be issued the Municipal License Slot.
- c) Upon payment of the Marihuana Establishment Application Fee by an Applicant, the Zoning Administrator shall refer a copy of the Application to the Department Head or designated staff person of the following for their review and approval: the Branch County Sheriff's Department, the Lakeland Fire Department, the Ovid Township Building Inspector, and the Zoning Administrator, and any other applicable departments.
- d) In order for a Marihuana Establishment Application to be approved and a Municipal License to be issued, all of the following conditions must be met:
 - i. The Applicant has passed a criminal background check conducted by the Branch County Sheriff's Department.
 - ii. The Zoning Administrator has confirmed that the proposed location complies with the buffer requirements, and a preliminary review of the plan submitted.
 - iii. A Special Land Use Permit application has been submitted, Permit fees have been paid, and the Special Land Use Permit has been approved by the Planning Commission.
 - iv. The Applicant must not have a conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past ten (10) years or conviction of a controlled substance-related felony within the past ten (10) years, except that, consistent with MCL 333.27958.1(c), a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor.
 - v. Other than as set forth in MCL 333.27958.1(c), within the past five (5) years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.
 - vi. The Applicant has not knowingly submitted an application for a License that contains false, misleading or fraudulent information, or has not intentionally omitted pertinent information on the Application for a Municipal License.

- e) Following review by the designated Departments and prior to approval of a Special Land Use Permit, if deficiencies are found in the Application, the Applicant will be notified in writing of the areas of deficiency and given thirty (30) days to correct those deficiencies. If the deficiencies are considered by the Zoning Administrator to be corrected, the Applicant's Special Land Use Permit will be considered by the Planning Commission. If the deficiencies are not considered to be corrected within the thirty (30) day time period, the Application will be deemed incomplete and denied. Another Application will then fill the Municipal License Slot.
- f) All inspections, review and processing of the Application shall be completed within ninety (90) days of payment of the Marihuana Establishment Application Fee or within one hundred twenty (120) days if the location of the Municipally-Licensed Premises is proposed to be amended from an existing Municipally-Licensed location. The processing time may be extended upon written notice by Ovid Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Municipal License.
- g) If all conditions of this Ordinance have been met, the Township Clerk shall issue the Municipal License to the Applicant.
 - i. All Municipal Licenses issued have the following stipulations:
 - A. Issuance of License Qualification by the State of Michigan for the Municipal License Holder under State law and Ovid Township receiving a copy of that License Qualification prior to occupancy.
 - B. Issuance of final occupancy of the Municipally-Licensed Premises by the Ovid Township Building Inspector. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations.
 - C. Issuance of Final Approval by the State of Michigan and Ovid Township receiving a copy of the Final Approval prior to the business opening.
 - ii. A Municipal License Holder has one (1) year from the date of issuance to meet all stipulations of the Municipal License. If all stipulations are not met in this timeframe, the Municipal License is revoked and considered denied. A Municipal License Holder may request an extension up to six (6) months to this timeframe, which may be granted by the Township Clerk.
- h) If a Municipal License is denied, the denial must be in writing and must state the reason(s) for denial.
 - i. Applications which are denied will not be refunded the Marihuana Establishment Application Fee.
 - ii. If the Applicant of a denied Application chooses to re-submit, this re-submission will be considered a new set of Application Documents and will be date and time stamped at the date and time they are re-submitted. A new Marihuana Establishment Application Document Review Fee and all other

subsequent fees will be required.

- i) Upon denial, withdrawal, or failure for any reason of an Application within six (6) months of a competitive process being used to rank Applicants and their Applications as detailed in Section VI(3), the available Municipal License Slot will be awarded to the next best suited Applicant and Application as determined in that process. However, if more than six (6) months have passed since the last competitive process, a new Window must be opened to fill the Municipal License Slot and all Applications will be treated as new submissions.
- j) Denial of an Application or non-renewal of a Municipal License may be appealed to the Township Board who will set a date and time within ten (10) business days to conduct a hearing where the Applicant can be heard. The Township Board may uphold the denial, reverse the denial, or take such other action deemed appropriate. Appeals from the final determination of the Township board may be taken to a court of competent jurisdiction; during appeal, another Applicant for a Municipal License Slot may be considered by Ovid Township.

5. *Renewal Application.* Renewal Applications shall require Ovid Township approval.

- a) Renewal Applications for a Marihuana Establishment maintaining the location of the Municipally-Licensed Premises shall be received by the Zoning Administrator not less than ninety (90) days prior to the expiration of the annual Municipal License. Renewal Applications for a Marihuana Establishment requesting a change in the location of the Municipally-Licensed Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Municipal License.
- b) A Renewal Application must follow the same approval process as all new Applications with the exception of the following:
 - i. A Municipal License Holder that submits an application for a Renewal Municipal License at a previously Municipally-Licensed Premises shall be deemed in compliance with the spacing requirements set forth in Section VII(5) of this Ordinance.
 - ii. For any information required as part of the Application process that has not changed, the Municipal License Holder may submit an Affidavit of No Changes in place of the information when submitting a Renewal Application. If any of the items requested in the Application process has changed, such items must be submitted as required in this Ordinance.
 - iii. A Municipal License Holder, as a stipulation of a renewal Municipal License issued by Ovid Township, must provide proof of having submitted a License renewal application no later than thirty (30) days after expiration of their State License. Once a renewed State License has been granted, a copy must be provided to Ovid Township.
 - iv. A renewal Municipal License issued by Ovid Township takes effect on the date of expiration of the original Municipal License issued and the Municipal License Holder has one year from that date until renewal is again required.
- c) A Municipal License Holder whose Municipal License expires and for which a complete Renewal Application has not been received by the expiration date shall be

deemed to have forfeited the Municipal License under this Ordinance. They will be considered denied. Ovid Township will not accept Renewal Applications after the expiration date of the Municipal License.

- d) A Municipal License Holder issued a renewal Municipal License by Ovid Township that is either denied a renewal license by the State of Michigan or that does not meet all stipulations within six (6) months of the renewal Municipal License being issued will have their Municipal License revoked and considered denied.

6. *Changes to Application or Municipal License.*

- a) If at any time before or after a Municipal License is issued pursuant to this Ordinance, any information required in the Municipal License Application, the MRTMA, or any rule of regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Municipal License Holder shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
 - i. Changes to a new Application will be considered a minor or major change as determined by the Zoning Administrator.
 - A. Minor changes include a change to person or persons associated with the Applicant entity, or other similar information. Minor changes will be accepted as part of the Application.
 - B. Major changes include changing the location of the Marihuana Establishment whether it be to a different site or changing the size of any new buildings, a change of Applicant entity, or other similar changes. A major change will result in the Application being returned to the Applicant. If the Applicant wishes to re-submit, the re-submission will be considered a new set of Application Documents and will be date and time stamped for processing at the date and time they are re-submitted. Any fees will not be waived.
- b) An Applicant or Municipal License Holder has a duty to notify Ovid Township 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 Municipal License Holder has a duty to notify Ovid Township 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 marihuana, the MMMA, the MMFLA, the MRTMA, 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 marihuana by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the event.
- d) A Municipal License may be assigned or transferred only if all of the following are true:
 - i. A Municipal License has been issued and all stipulations for that license have been met, including written final approval by the State of Michigan for State

Licensure.

- ii. All current Municipal License Holders submit an affidavit approving the transfer.
- iii. The person(s) or entity proposed to receive the transferred Municipal License submit Application Documents and are issued a Municipal License Transfer Approval. Issuance of a Municipal License Transfer Approval includes the following:
 - A. Certification of a completed Application per the process of this Ordinance. The Applicant may submit an affidavit of no change to the Municipally Licensed Premises to forego the Application requirements as it pertains to the Municipally Licensed Premises if no physical changes will be completed as part of the assignment or transfer.
 - B. Payment of a License Transfer review fee as set by the Township Board.
 - C. Review of the Application per Section VI(4). If an affidavit of no change to the Municipally Licensed Premises is submitted, review of corresponding information and the requirement for a Special Land Use Permit would be considered satisfied.
 - D. Issuance or denial of the Municipal License Transfer Approval will be completed per Section VI(4)(g) or (h), and will be considered met when the Applicant has all required licenses or permits in their name. Where an affidavit of no change to the Municipally Licensed Premises has been filed, the stipulation for a required proof of final occupancy will be waived.
 - E. Until the Municipal License Transfer Approval is issued, the existing Municipal License will remain with the current Municipal Licensee Holder. Transfer of the Municipal License will not change its date of expiration.

7. *Expiration of Application.* If an Application has been held waiting for a Municipal License Window to open for one (1) year, Ovid Township will contact the Applicant and request in writing confirmation that the Application is accurate and that the Application should be kept on file. If the Applicant asks the Application to be removed, or if confirmation in writing is not received in ten(10) business days, the Application will be removed from the list of Applications and a letter sent to the Applicant. If the Applicant wishes to re-submit after this point, this re-submission will be considered a new set of Application Documents and will be date and time stamped for processing order at the date and time they are re-submitted. A new Marihuana Establishment Application Document Review Fee will be required.

8. *Fees.* The applicable fees related to a Municipal License shall be as follows:

- a) Marihuana Establishment Application Document Review Fee - \$500.00
- b) Marihuana Establishment Application Fee - \$4500.00
- c) Renewal License Fee - \$5000.00

SECTION VII
OPERATIONAL REQUIREMENTS – MARIHUANA ESTABLISHMENTS

A Marihuana Establishment issued a Municipal License under this Ordinance and operating in Ovid Township shall at all times comply with the following operational requirements, which Ovid Township may review and amend from time to time as it determines reasonable.

1. *Scope of Operation.* Marihuana Establishments shall comply with all respective applicable codes of the local zoning, building, and health departments. The Marihuana Establishment must hold a valid local Municipal License and State Marihuana Establishment License. The Marihuana Establishment 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 Marihuana Establishment shall be operated from the Municipally-Licensed Premises on the Municipally-Licensed Property. No Marihuana Establishment shall be Municipally-Licensed to operate from a moveable, mobile or transitory location, except for a Licensed Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Municipally-Licensed Premises without a parent or legal guardian.
3. *Security.* Municipal License Holders shall at all times maintain a security system that meets State law requirements, and in addition shall also include the following:
 - a) Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week and which will contact local law enforcement if triggered.
 - b) A locking safe permanently affixed to the Municipally-Licensed Premises that shall store all Marihuana and cash remaining in the Marihuana Establishment overnight;
 - c) All Marihuana in whatever form stored at the Municipally-Licensed Premises shall be kept in a secure manner and shall not be visible from outside the Municipally-Licensed Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Municipally-Licensed Premises; and
 - d) All security recordings and documentations shall be preserved for at least thirty (30) days by the Municipal License Holder and made available to any law enforcement upon request for inspection.
4. *Operating Hours.* No Marihuana Establishment shall operate between the hours of 9:00 p.m. and 9:00 a.m.
5. *Required Spacing.* The following spacing requirements for Marihuana Establishments are required:
 - a) No Marihuana Establishment shall be located within five hundred (500) feet from any school.
 - b) No Marihuana Establishment shall be located within two hundred and fifty (250) feet from any of the following:
 - i. Public Park.
 - ii. Church or house of worship.

- iii. Ovid Township property zoned RR, NR, WR, MH.
- iv. Alganssee Township property zoned R-1, R-2, R-3.
- v. Bethel Township property zoned R-1, R-2.
- vi. Coldwater Township property zoned R-2, R-3, R-4.
- vii. Kinderhook Township property zoned R-1, R-2, R-3, R-4.

c) The distances provided in this Subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the Municipally-Licensed Premises at which the proposed Marihuana Establishment is to be located to the nearest point of one of the following:

- i. The lot line of the separated use, when:
 - A. A school, public park, church, or house of worship is the only use on the parcel.
 - B. A parcel is zoned in one of the districts listed in Section VII(5)(b).
- ii. The premises of the separated use, when:
 - A. A school, public park, church, or house of worship is one of multiple uses on the parcel.

d) Spacing requirements become effective upon issuance of a Municipal License whether conditional or not.

6. *Amount of Marihuana.* The amount of Marihuana on the Municipally-Licensed Property and under the control of the Municipal License Holder, owner or operator of the Marihuana Facility shall not exceed that amount permitted by the state License or the Municipal License.
7. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law and/or Rules. The Marihuana Establishment is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
8. *Sign Restrictions.* No signs, pictures, photographs, drawings or other depictions shall appear on the outside of any Municipally-Licensed Premises nor be visible outside of the Municipally-Licensed Premises on the Municipally-Licensed Property nor advertise in a way that is inconsistent with the provisions of the MRTMA, Rules, LARA rules, or the Ovid Township Zoning Ordinance.
9. *Use of Marihuana.* The sale, consumption or use of alcohol or tobacco products on the Municipally-Licensed Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Municipally-Licensed Premises is prohibited.
10. *Indoor Operation.* All activities of Marihuana Establishment, including without limitation, the sale of Marihuana, and all other related activity under the Municipal License Holder's License or Municipal License must occur indoors. The Marihuana Establishment'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 odor is detectable outside the Municipally- Licensed Premises.
11. *Distribution.* No person operating a Marihuana Establishment 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 Municipal Licenses must be obtained for

any part of the Municipally-Licensed Premises.

13. *Waste Disposal.* The Municipal License holder, owner and operator of the Marihuana Establishment shall use lawful methods in controlling waste from any activities allowed under the License or Municipal License. All waste stored must be contained in a dumpster that is locked or located within a locked enclosure.
14. *Proof of Insurance.* A Municipal License Holder shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A Municipal License Holder shall provide proof of insurance to the Township Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the Ovid Township and its officials and employees as additional insureds to the limits required by this Subsection. A licensee or its insurance broker shall notify Ovid Township of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the Township Clerk within five (5) business days in the event of expiration or cancellation of coverage.
15. *Transportation.*
 - a) Marihuana may be transported only by a Secure Transporter within Ovid Township under this Ordinance, and to effectuate its purpose, only:
 - i. By persons who are otherwise authorized by state law to possess Marihuana;
 - ii. In a manner consistent with all applicable state laws and Rules, as amended;
 - iii. In a secure manner designed to prevent the loss of Marihuana; and
 - iv. For the sole purpose of transporting Marihuana, and/or money associated with the purchase or sale of Marihuana, in to and out of Ovid Township.
 - b) No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words "Marihuana", "Marijuana" or "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.
 - c) 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.
16. *Additional Conditions.* Ovid Township may impose such reasonable Terms and Conditions on a Marihuana Establishment 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 VIII
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 no more than five hundred and 00/100 (\$500.00) dollars, or imprisoned for not more than ninety (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 constitute a civil infraction. The fine for any civil infraction shall be five thousand dollars (\$5,000.00) 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 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) directly above, 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.

SECTION IX
TOWNSHIP LIABILITY AND INDEMNIFICATION

1. By accepting a Municipal License issued pursuant to this Ordinance, the Municipal License Holder waives and releases Ovid Townships, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of Marihuana Establishment owners, operators, employees, clients or customers for a violation of state or federal laws, Rules or regulations.
2. By accepting a Municipal License issued pursuant to this Ordinance, all Municipal License Holders agree to indemnify, defend and hold harmless Ovid Township, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Municipally-Licensed Property, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the Municipal License, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c) or any other alleged violation of the law.
3. By accepting a Municipal License issued pursuant to this Ordinance, a Municipal License Holder agrees to indemnify, defend and hold harmless Ovid Township, its officers, elected officials, employees and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. Section 801 et seq. or Chapter 7 of the Michigan Public Health Code, MCL333. 7101 et. seq.

SECTION X
MUNICIPAL LICENSE AS REVOCABLE PRIVILEGE

A Municipal License granted by this Ordinance is a revocable privilege granted by Ovid Township and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each Municipal

License is exclusive to the Municipal License Holder, and a Municipal License Holder or any other person must apply for and receive Ovid Township's approval before a Municipal License is transferred, sold, or purchased. A Municipal License Holder or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a Municipal License without prior state and local approval is grounds for suspension or revocation of the Municipal License or for other sanction considered appropriate by Ovid Township.

SECTION XI
NONRENEWAL, SUSPENSION OR REVOCATION OF MUNICIPAL LICENSE

Ovid Township may, after notice and hearing as provided in Section VI(4)(j) of this Ordinance, suspend, revoke, or refuse to renew a Municipal License for any of the following reasons:

1. The Applicant or Municipal License Holder, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Section or with any applicable state or local law or regulation;
2. The Applicant or Municipal License Holder, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its Municipal License pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the Municipal License and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the Municipal License.
3. The Marihuana Establishment has been operated in a manner that adversely affects the public health, safety or welfare.

Evidence to support a finding under this Section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the Marihuana Establishment or in the immediate area surrounding such Marihuana Establishment, a continuing pattern of criminal conduct directly related to or arising from the operation of the Marihuana Establishment, or an ongoing nuisance condition emanating from or caused by the Marihuana Establishment. Criminal conduct shall be limited to the violation of a state law or regulation or Township ordinance.

SECTION XII
AUTHORIZATION TO INSPECT, SEARCH AND EXAMINE

A Marihuana Establishment and all articles of property in the establishment are subject to inspection, search and examination at any time by a member of the Branch County Sheriff's Department, the Department of State Police, or the Ovid Township Zoning Administrator, and the Application for a Marihuana Establishment constitutes consent by the Applicant, and all owners, managers, and employees of the Marihuana Establishment, and the owner of the property to permit the Township Clerk to conduct routine examination and inspection of the Marihuana Establishment to ensure compliance with this Ordinance or any other applicable law, rule, or regulation without a search warrant and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a Municipal License without a search warrant.

SECTION XIII
COORDINATION WITH STATE LICENSING AUTHORITIES

The Township Clerk shall coordinate with the Board to provide all information that LARA or the Board deems necessary to carry out licensing under the MRTMA, including but not limited to:

1. Attestation of ordinances and zoning regulations adopted by Ovid Township relating to Marihuana Establishments and any amendments thereto.

2. Information regarding a Municipal Licensee or Applicant for a License, including:
 - a) Description of a violation of Township ordinance, including a zoning or a special use permit requirement, but only if the violation relates to activities regulated under this Ordinance, the Ovid Township Zoning Ordinance relating to Marihuana Establishments, or applicable marihuana laws;
 - b) Denial, suspension, revocation, or nonrenewal of a Municipal License;
 - c) Whether there has been any change to any Ovid Township ordinance, including without limitation the Ovid Township Zoning Ordinance relating to Marijuana Establishments or Ovid Township licensing since the License was issued, and description of any change or changes; and
 - d) Information that the Board deems necessary for determining whether or not a License under the MRTMA should be issued or renewed.
3. Recommendation to LARA or the Board that a License for a Marihuana Establishment in Ovid Township be restricted or not renewed. The Township Clerk shall provide specific written input and information necessary for the Board or LARA to consider the recommendation.

SECTION XIV
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 XV
EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Ovid Township.

ORDINANCE DECLARED ADOPTED.

Amy Havasy, Clerk
Ovid Township
381 South Angola Road
Coldwater, MI 49036