

**LAKE TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN
AMENDMENT TO MARIHUANA LICENSING ORDINANCE**

ORDINANCE NO. 56B

At a meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on January 10, 2023, at 7:00 p.m., Township Board Member Farhat moved to introduce the following Ordinance, which motion was seconded by Township Board Member Trier.

An Ordinance to amend Lake Township Ordinance No. 56A, the Lake Township Marihuana Licensing Ordinance, to provide for contactless or limited contact transactions of Marihuana consistent with the provisions of the Michigan Marihuana Facilities Licensing Act, Public Act 281 of 2016, the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, and the rules promulgated thereunder, in order to maintain the public health, safety and welfare of the residents and visitors to the Township.

THE TOWNSHIP OF LAKE, ROSCOMMON COUNTY, STATE OF MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ORDINANCE NO. 56A, SECTION 6: The Lake Township Marihuana Licensing Ordinance, Ordinance No. 56A, Section 6, shall hereby be amended to read as follows:

SECTION 6: OPERATIONAL REQUIREMENTS – MARIHUANA OPERATIONS. Marihuana Operations 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.* Marihuana Operations 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 MMFLA, the MRTMA, or this Ordinance. Commercial Medical Marihuana Facilities must hold a valid Township Permit and State Commercial Medical Marihuana Facility License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. Marihuana Establishments must hold a valid local Permit and Michigan Marihuana Establishment License for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Facility or 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 Commercial Medical Marihuana Facility or Marihuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility or Marihuana Establishment shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transport of Marihuana. 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 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 twenty-four (24) hours a day, seven (7) days a week.

- c. A locking vault permanently affixed to the Permitted Premises that shall store all cash remaining in the Facility or Establishment overnight.
 - d. All Marihuana in whatever form 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.
 - e. All security recordings and documentation shall be preserved for at least thirty (30) days by the Permit Holder and made available to any law enforcement upon request for inspection.
4. *Operating Hours.* No Provisioning Center shall operate between the hours of 8:00 p.m. and 8:00 a.m.
 5. *Required Spacing.* No Marihuana Operation shall be located within one-thousand (1,000) feet from any school teaching grades K-12, or within five hundred (500) feet from any church, house of worship or other religious facility or public or private park if such uses are in existence at the time the Marihuana Operation is established, with the minimum distance between uses measured horizontally between the nearest property lines.
 6. *Co-location.* Marihuana Operations may be located at the same Permitted Premises as other Marihuana Operations, provided that a Permit is issued for each individual Facility or Establishment and they are operated consistent with any other rule, regulation, or state law, including the MMFLA, the MRTMA, and any rules promulgated thereunder.
 7. *Stacked license.* An Applicant for a Grower may apply to stack another grower permit at the Facility/Establishment or Permitted Premises. The applicant shall be subject to the same requirements as a renewal permit application, including payment of a separate application fee for each stacked permit. Permits or Licenses may only be stacked consistent with state law and the rules and regulations promulgated by the Department.
 8. *Amount of Marihuana.* The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Marihuana Operation shall not exceed that amount permitted by the State License.
 9. *Sale of Marihuana.* The Marihuana offered for sale and distribution must be packaged and labeled in accordance with State law.
 10. *Sign Restrictions.* All signs shall comply with all applicable local, State, or federal law or rule governing Facilities or Establishments. A Permitted Premises or Permitted Property may not contain flashing or animated signs. 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. Licensees and Permit Holders shall not advertise a Marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place.
 11. *Use of Marihuana.* The sale, consumption, or use of alcohol or tobacco products on the Permitted Premises and/or Permitted Property is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises and/or Permitted Property is prohibited.
 12. *Operation; Contactless or Limited Contact Transactions.* All growth, cultivation, and storage of Marihuana must occur indoors. With the exception of contactless or limited contact transactions (such as curbside service

or drive through window service) authorized by the MMFLA, the MRTMA, and any rules promulgated thereunder, all sales and distribution of Marihuana shall occur indoors. The Marihuana Operation's design and operation 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 beyond/outside the Permitted Premises.

13. *Unpermitted Growing.* A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
14. *Distribution.* No Person operating a Marihuana Operation shall provide or otherwise make available Marihuana to any Person who is not legally authorized to receive Marihuana under state law.
15. *Permits.* All necessary building, electrical, plumbing, and mechanical Permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
16. *Waste Disposal.* Permit Holders and owners and operators of Marihuana Operations shall use lawful methods to dispose of waste or by-products from any activities allowed under the License or Permit according to all applicable local, state, and federal laws and regulations. Permit Holders and owners and operators of Marihuana Operations must dispose of waste from Marihuana products in secure waste receptacles and shall render Marihuana product waste into an unusable and recognizable form by incorporating the Marihuana product waste with other non-consumable solid waste. Permit Holders and owners and operators of Marihuana Operations shall manage all hazardous waste subject to Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11101 *et seq.*
17. *Transportation.* Marihuana may be transported for home delivery as authorized by this Ordinance or 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;
 - 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.
18. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marihuana Operation 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 2: 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 3: 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 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following publication or posting after adoption by the Township Board.

SECTION 5: REPEAL. All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: TRIER, GRABOWSKI, OLSON, FARHAT

NAYS: NONE

ABSENT/ABSTAIN: RUSSO JR. (ABSENT)

ORDINANCE DECLARED ADOPTED:

A handwritten signature in black ink, appearing to read 'Anthony Farhat', is written above a horizontal line.

Anthony Farhat, Lake Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Lake Township Board at a duly scheduled and noticed meeting of that Township Board held on January 10, 2023, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Houghton Lake Resorter, a newspaper that circulates within Lake Township, on Thursday January 19, 2023.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on Friday January 20, 2023.

ATTESTED:



Andrea Grabowski, Lake Township Clerk