

Charter Township of Mt. Morris
Amendment to Article 18 of Special Use Provisions of Zoning Ordinance to Regulate
Medical Marihuana Facilities
Adopted December 11, 2017
Effective December 17, 2017

Article I - Statement of Purpose

The purpose of this Ordinance is to amend **Article 18** of the **Charter Township of Mt. Morris Zoning Ordinance** to:

- A. Regulate and control, but not to exclude, the growing, consumption, distribution, and delivery of medical marihuana in a manner that protects the rights of those authorized to do so under Michigan's **Medical Marihuana Act**, being **MCL 333.26421 et. seq.**; and
- B. Provide Qualifying Patients safe access to medicine; and
- C. Protect the health, safety, and welfare of all residents of the Township.

Article II - Amendment to Charter Township of Mt. Morris Zoning Ordinance

Section 18.52 of **Article 18** of the current **Charter Township of Mt. Morris Zoning Ordinance** is amended to read as follows:

SECTION 18.52: *Medical Marihuana Facilities*

A. ***Standards:***

1. ***Home Care Center:*** The construction and operation of a Home Care Center in the Charter Township of Mt. Morris is permitted in the **(R-1) Single Family Residential; (R-2) Single Family Residential; (R-3) Single Family Residential; (RA) Rural Agricultural District; and (RE) Rural Estate Residential District.**

2. ***Patient Care Center:*** The construction and operation of every Patient Care Center in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**, in the **(C-1) Local Commercial District; (C-2) Community Commercial; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial**

District after satisfying the performance evaluation criteria for an intensive commercial activity.

3. ***Provisioning Center:*** The construction and operation of a Provisioning Center in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District**; **(C-3) Regional Commercial District**; and **(C-4) Service Commercial District**; **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District** after satisfying the performance evaluation criteria for an intensive commercial activity..

4. ***Grow Facility:*** The construction and operation of a Grow Facility is permitted only by special land use permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

5. ***Processing Facility:*** The construction and operation of a Processor is permitted only by special land use permit, granted in accordance with **Article 19** of the **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

6. ***Safety Compliance Facility:*** The construction and operation of a Safety Compliance Facility in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District**; **(C-3) Regional Commercial District**; **(C-4) Service Commercial District**; **(M-1) Light Industrial District**; and **(M-2) Heavy Industrial District**.

7. ***Secure Transport Facility:*** The construction and operation of a Secure Transport Facility in the Charter Township of Mt. Morris is permitted only by Special Land Use Permit, granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance** in the **(C-1) Local Commercial District** after satisfying the performance evaluation criteria for an intensive commercial activity; **(C-2) Community Commercial District**; **(C-3) Regional Commercial District**; **(C-4)**

Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District.

B. *Definitions:*

1. ***Statutory Definitions:*** The words and phrases used herein have the same meaning as set forth in the **Medical Marihuana Act** and the **Facilities Licensing Act**, except as modified herein.

2. ***Applicant*** means the person who applies for a permit for a Medical Marihuana Facility.

3. ***Building*** means any permanent structure having a roof or other covering that is built, used, designed, or intended for the enclosure of persons, animals, chattel, or property of any kind.

4. ***Facilities Licensing Act*** means the **Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.**

5. ***Grow Facility*** means a commercial facility operated by Grower.

6. ***Grower*** means a person cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center.

7. ***Cultivation*** means to grow live marihuana plants under artificial or natural lighting.

8. ***Enclosed, Locked Facility*** means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met: (i) The vehicle is being used temporarily to transport living marihuana plants from 1 location to another with the intent to permanently retain those plants at the second location; and (ii) An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marihuana plants belong or the individual designated through the departmental registration process as the primary caregiver for the registered qualifying patient.

9. ***Home Care Center*** means a facility, located at a Primary Caregiver's residence, that is operated by not more than 1 Primary Caregiver.

10. ***License*** means a license pursuant to the **Mt. Morris Township Medical Marihuana Licensing Ordinance**.

11. ***Marihuana*** means all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

12. ***Medical Marihuana Facility*** means a Home Care Center, Patient Care Center, Safety Compliance Facility, Secure Transport Facility, Grow Facility, Processing Facility, or a Provisioning Center.

13. ***Medicate*** means consuming, ingesting, absorbing, smoking, inhaling, eating, vaporizing, and drinking.

14. ***Multi-Parcel Property*** means any development consisting of more than one Parcel of property including a Planned Commercial Development, Planned Development, Industrial Park, and Shopping Center as defined in **Section 2.01** of the **Township Zoning Ordinance**.

15. ***Outdoor Enclosed, Locked Facility*** means any Enclosed, Locked Facility that is not located inside of a Building and are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary

caregiver who owns, leases, or rents the property on which the structure is located.

16. ***Parcel*** means that property which is identified by a single parcel number by the Mt. Morris Township Treasurer.

17. ***Patient Care Center*** means a Commercial facility established by one or more Primary Caregivers, not located at a Primary Caregiver's residence.

18. ***Person*** means any individual, partnership, corporation, association, or limited liability company.

19. ***Physical Improvement*** means the improvement of real property using construction materials constructed in a manner which complies with **Section 18.02** of the **Township Zoning Ordinance**.

20. ***Planning Commission*** means the Charter Township of Mt. Morris Planning Commission.

21. ***Primary Caregiver*** means an individual person who is at least 21 years old, who has agreed to assist with a patient's Medical Use of Marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a Registry Identification Card, which is not expired and has not been revoked.

22. ***Processing*** means harvesting, trimming, drying, curing, preparing, measuring, weighing, extracting, reducing, cooking, baking, packaging, or storing of marihuana.

23. ***Processing Facility*** means a commercial facility where a Processor extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

24. ***Processor*** means a Person who purchases marijuana from a grower and who extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

25. ***Provisioning Center:***

A. Means a Commercial facility that purchases marihuana from a grower or processor and sells, supplies, or provides

marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver;

B. Includes any commercial property where marihuana is sold at retail to patients or caregivers.

C. Does not include a non-commercial location used by a primary caregiver to assist a qualifying patient with the acquisition or medical use of marihuana.

D. Does not include a Home Care Center.

E. Dose not include a Patient Care Center.

26. ***Qualifying Patient*** means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a Registry Identification Card by the Department, which is not expired and has not been revoked.

27. ***Registry Identification Card*** means a document issued by the State Department of Community Health that identifies a person as a registered Qualifying Patient or registered Primary Caregiver.

28. ***Religious Exercise*** means any exercise of religion, whether or not compelled by, or central to, a system of religious belief as set forth in the **Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.**

29. ***Safety Compliance Facility*** means a Commercial facility that receives marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, and who then returns the test results and returns the marihuana to the marihuana facility.

30. ***Shopping Center*** means a grouping of retail businesses and service uses on a single site with common parking facilities.

31. ***Secure Transport Facility*** means a commercial facility stores marijuana and transports marijuana between marijuana facilities for a fee.

32. ***Testing*** means checking a sample of not more than 2 grams of marihuana by a professional Marihuana Testing Facility and producing a professional scientific report of laboratory test results.

33. ***Township*** means the Charter Township of Mt. Morris, Genesee County, Michigan.

34. ***Township Board*** means the Township Board of Trustees of the Charter Township of Mt. Morris, Genesee County, Michigan.

35. ***Transferring*** means the act of a caregiver providing his/her qualifying patient with medical marihuana.

C. ***Procedure for Issuance of Special Land Use Permit:***

1. The development and locational standards set forth herein will be used by the **Planning Commission** to determine if the application satisfies the conditions that are precedent to the approval of a **Special Land Use**.

2. ***Application for Permit:*** An application for a permit must be completed by the Applicant in conformance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.

3. ***Application Review:*** The Planning Commission must:

a. Review the application for the Special Land Use Permit; and

b. Review the application for a License; and

c. Hold a public hearing to determine whether the use as set forth and described in the application for the Special Land Use Permit and the application for a License complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, the **Mt. Morris Township Medical Marihuana Licensing Ordinance**, and with statutes of the State of Michigan.

4. ***Public Hearing:*** The Planning Commission must hold a public hearing in accordance with **Article VIII** of the **Mt. Morris Township Medical Marihuana Licensing Ordinance**, and must:

a. Review the application for the Special Land Use Permit (in conjunction with its review of the Application for a License); and

b. Make a finding as to whether the use as set forth and described in the application for the Special Land Use Permit complies with the requirements of the **Charter Township of Mt. Morris Zoning Ordinance**, as amended by this Amendment, and with statutes of the State of Michigan; and

c. Determine whether the Special Land Use Permit should be granted (in conjunction with its determination of whether the Application for License should be granted).

D. **Home Care Center Requirements:** A Home Care Center must be operated in accordance with the following requirements:

1. **Signs and Advertisements:** A Home Care Center is not permitted to install any exterior or interior sign, billboard, or advertisement for any purpose.

2. **Outdoor Enclosed, Locked Facility Requirements:** An Outdoor Enclosed, Locked Facility is subject to the following requirements:

a. **Zoning District:** An Outdoor Enclosed, Locked Facility must not be located on a Parcel of Property of which any portion is situated within the following zoning districts: **Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); or Manufactured Housing Park District (MHP);** and

b. **Location:** An Outdoor Enclosed, Locked Facility must be located on a Parcel of Property such that the Outdoor Enclosed, Locked facility is at least 100 feet from any lot line of such Parcel of Property; and

c. **Construction:** An Outdoor Enclosed, Locked Facility must be constructed such that marihuana plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as

the primary caregiver for the registered qualifying patient or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.

E. ***Patient Care Center, Safety Compliance Facility, and a Secure Transport Facility Requirements:*** A facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must be located and operated in accordance with the following requirements:

1. ***Special Land Use Requirement:*** No facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility may be operated in the Charter Township of Mt. Morris, except in accordance with this **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.

2. ***Zoning District:*** A facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District; (C-2) Community Commercial; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District**.

3. ***Population Limitations:*** The issuance of a Special Land Use Permit for a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility shall not be conditioned upon the population of the Township.

4. ***Location:*** A facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility shall not be conditioned upon the location of any other special land use zone, provided that a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility is not permitted on any of the following:

a. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

b. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA)**; **Single Family Residential (R-1)**; **Single Family Residential (R-2)**; **Single Family Residential (R-3)**; **Multiple Family Residential (MF)**; **Manufactured Housing Park District (MHP)**; **Rural Estate Residential District (RE)**; or **Planned Unit Development (PUD)**; or

c. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is situated in a **Single Family Residential (R-1)**; **Single Family Residential (R-2)**; **Single Family Residential (R-3)**; **Multiple Family Residential (MF)**; **Manufactured Housing Park District (MHP)**; or **Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

d. On a Parcel of Property of which any building contains one or more uses unless the Township has issued licenses for each such use; or

e. In a shopping center.

5. **Entrances:** Entrances to a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

a. “Only persons with valid Registry Identification Cards may enter;” and

b. “No alcoholic beverages of any type are permitted;” and

c. “Not open to public. Authorized personal only.”

6. **Off-Street Parking:** All off-street parking of a facility which is a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must comply with the following:

a. All off-street parking must comply with the provisions of **Article 21** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.

7. **Advertisements:** Advertisements, displays or other promotional materials of a Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

8. **Signs and Billboards:** The sign or billboard of a Patient Care Center, Safety Compliance Facility, and a Secure Transport Facility must not contain the word “marihuana,” any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

9. **Screened Openings:** All building openings, entries, windows, and any other portion of the building, as required by the Patient Care Center, Safety Compliance Facility, or a Secure Transport Facility must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

F. **Provisioning Center Requirements:** A facility which is a Provisioning Center must meet the following requirements:

1. **Special Land Use Requirement:** No facility which is a Provisioning Center. may be operated in the Charter Township of Mt. Morris, except in accordance with this **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.

2. **Zoning District:** A facility which is a Provisioning Center shall only be permitted by Special Land Use Permit in the **(C-1) Local Commercial District, (C-2) Community Commercial District; (C-3) Regional Commercial District; (C-4) Service Commercial District; (M-1) Light Industrial District; and (M-2) Heavy Industrial District**

3. **Location:** The issuance of a Special Land Use Permit for a Provisioning Center is not permitted on any of the following:

a. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is situated in a **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE);** or **Planned Unit Development (PUD)**, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

b. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a public park, school, child care facility, or location of any religious exercise, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

c. On a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Provisioning Center; or

d. On a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property upon which is located any principal or accessory structure of another facility which is a Provisioning Center, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

e. On a Parcel of Property of which any portion is situated within the following zoning districts: **Residential Agricultural District (RA); Single Family Residential (R-1); Single Family Residential (R-2); Single Family Residential (R-3); Multiple Family Residential (MF); Manufactured Housing Park District (MHP); Rural Estate Residential District (RE);** or **Planned Unit Development (PUD).**

4. **Entrances:** Entrances to a Provisioning Center must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

a. “Only persons with Registry Identification Cards may enter;” and

b. “No alcoholic beverages of any type are permitted within the Provisioning Center.”

5. ***Off-Street Parking:*** All off-street parking of a Provisioning Center must comply with the following:

a. All off-street parking must comply with the provisions of **Article 21** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.

6. ***Advertisements:*** Advertisements, displays or other promotional materials of a Provisioning Center must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

7. ***Signs and Billboards:*** The sign or billboard of a Provisioning Center must not contain the word “marihuana,” any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

8. ***Screened Openings:*** All building openings, entries, windows, and any other portion of the building as required by the Provisioning Center must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

G. ***Processing Facility and Grow Facility:*** A facility which is a Processing Facility or Grow Facility must meet the following requirements:

1. ***Special Land Use Requirement:*** No facility which is a Processing Facility or a Grow Facility may be operated in the Charter Township of Mt. Morris, except in accordance with this **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance** and unless a permit for special land use has been granted in accordance with **Article 19** of the **Charter Township of Mt. Morris Zoning Ordinance**.

2. ***Zoning District:*** A facility which is a Processing Facility or a Grow Facility shall only be permitted by Special Land Use Permit in a **Light Industrial District (M-1)**; or **Heaving Industrial District (M-2)**.

3. ***Population Limitations:*** The issuance of a Special Land Use Permit for a Processing Facility or a Grow Facility shall not be conditioned upon the population of the Township.

4. ***Location:*** The issuance of a Special Land Use Permit for a Processing Facility or a Grow Facility shall not be conditioned upon the location of any other special land use zone, provided that no Processing Facility and no Grow Facility shall be located on a Parcel of Property of which any lot line is within 300 feet of any lot line of a Parcel of Property which is presently operated as a school, or child care facility, except that this provision does not apply to a Parcels of Property separated by I-75 or I-475; or

5. ***Entrances:*** Entrances to a Processing Facility and a Grow Facility must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than 2 inches in height that:

a. “Only persons with Registry Identification Cards may enter”; and

b. “No alcoholic beverages of any type are permitted within the Commercial Grow;” and

c. “No person under the age of 21 may enter.”

6. ***Off-Street Parking:*** All off-street parking of a Processing Facility and a Grow Facility must comply with the following:

a. All off-street parking must comply with the provisions of **Article 21** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

b. All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.

6. ***Advertisements:*** Advertisements, displays or other promotional materials of a Processing Facility and a Grow Facility must not

be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.

7. **Signs and Billboards:** The sign or billboard of a Processing Facility and a Grow Facility must not contain the word “marihuana,” any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.

8. **Screened Openings:** All building openings, entries, windows, and any other portion of the building as required by the Grow Facility or a Processing Facility must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

H. **Zoning Standards:** A Medical Marihuana Facility must conform to all standards of the zoning district in which it is located.

I. **Other Standards:** A Medical Marihuana Facility must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained.

J. **Compliance:** At all times a person must comply with all Federal, State, and local the rules, regulations, and ordinances.

Article III - Effective Date

This Ordinance becomes effective the 17th day of December, 2017, following publication a summary thereof in the Flint Journal, a newspaper circulating within Charter Township of Mt. Morris.

CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Mt. Morris Charter Township, Genesee County, Michigan, do hereby certify that the above amendment to Chapter 18 Charter Township of Mt. Morris Zoning Ordinance was duly adopted by the Township Board of the Charter Township of Mt. Morris, at which meeting a quorum was present.

Larry Green, Supervisor

Brenda Ashley, Clerk

**The Charter Township of Mount Morris
Amendment to
Chapter 6 of the Code of Ordinances**

THE CHARTER TOWNSHIP OF MOUNT MORRIS ORDAINS:

Chapter 6 of the Code of Ordinances of the Charter Township of Mt. Morris, Michigan is hereby amended as follows:

Article I—Statement of Purpose and Name

1.01 Purpose: The purpose of this Ordinance is to:

A. Regulate the growth, consumption, distribution, and delivery of medical marihuana in a manner that protects the rights of those authorized to do so under the **Michigan Medical Marihuana Act, MCL 333.26421 et seq.**; and the **Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.**;

B. Provide Qualifying Patients safe access to medicine; and

C. Protect the health, safety, and welfare of all residents of the Township; and

D. Promote investment in local business and job creation in the Township; and

E. Repeal **Article III, §6-45 of Chapter 6 of the Code of Ordinances**; and

F. Replace **Article III, §6-45 of Chapter 6 of the Code of Ordinances** with the provisions of this Ordinance.

1.02 Name of Ordinance: This Ordinance shall be known as the **Mt. Morris Township Medical Marihuana Licensing Ordinance**.

Article II—Definitions

2.01 Statutory Definitions: The words and phrases used herein have the same meaning as set forth in the **Medical Marihuana Act** and the **Facilities Licensing Act**, except as modified herein.

2.02 Applicant means the person who applies for a license authorized by this Ordinance.

2.03 *Building* means a permanent structure having a roof or other covering that is built, used, designed, or intended for the enclosure of persons, animals, chattel, or property of any kind.

2.04 *Building Inspector* means the Building Inspector of the Charter Township of Mt. Morris.

2.05 *Chief of Police* means the Chief of Police of the Mt. Morris Township Police Department, Genesee County, Michigan, or his designee.

2.06 *Clerk* means the Clerk of the Charter Township of Mt. Morris.

2.07 *Consumption* means absorbing, smoking, inhaling, eating, vaporizing, drinking, ingesting, or otherwise using marihuana.

2.08 *Controlled Substance* means a drug, substance, or immediate precursor as set forth in **MCL 333.7201 et seq.**

2.09 *Debilitating Medical Condition* means 1 or more of the following:

A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions; or

B. A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis; or

C. Any other medical condition or its treatment approved by the department of community health, as provided for in **MCL 333.26425(a)** and PA 281.

2.10 *Department* means the Michigan State Department of Community Health.

2.11 *Enclosed, Locked Facility* means a closet, room, or other enclosed area, which may be Indoors or Outdoors, that is equipped and secured with locks or other security devices.

2.12 *Facilities Licensing Act* means the **Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.**

2.13 *Grow Facility* means a commercial facility operated by Grower.

2.14 *Grower* means a person cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center.

2.15 *Home Care Center* means a facility, located at a Primary Caregiver's residence, that is operated by not more than 1 Primary Caregiver.

2.16 *ID Number* means the identification number that is assigned to each Qualifying Patient and Primary Caregiver by the Department and that is listed on the Registry Identification Card.

2.17 *ID Tag* means a tag or label that lists the ID Number of the Primary Caregiver and the Qualifying Patient for whom the marihuana plant is being grown, cultivated, or stored.

2.18 *Indoor Enclosed, Locked Facility* means an enclosed, locked facility that is located inside of a building.

2.19 *Licensee* means:

A. An Applicant who is issued a license pursuant to this Ordinance; and

B. A person holding a state operating license issued pursuant to the provisions of the Facilities Licensing Act.

2.20 *Locker* means an enclosed locked storage unit used by a Qualifying Patient or Primary Caregiver solely for the purpose of storing marihuana.

2.21 *Marihuana*:

A. Means all parts of the plant *Cannabis Sativa L.*, growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures; and

B. Includes the term as defined in Section 7106 of the Public Health Code, **MCL 333.7106; and**

C. Includes all common terms used to refer to the cannabis plant; and

D. Does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

2.22 *Marihuana Facility* means a Patient Care Center, a Processing Facility, a Grow Facility or a Provisioning Center.

2.23 *Marihuana Testing Services* means testing another person's marihuana to evaluate the safety, quality, or potency of marihuana.

2.24 *Marihuana Testing Products* means any product, kit, device, or test designed to evaluate the safety, quality, or potency of marihuana.

2.25 *Medical Marihuana Act* means the **Michigan Medical Marihuana Act**, being **MCL 333.26421 et seq.**

2.26 *Medical Use* means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or Paraphernalia relating to the administration of marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

2.27 *Motor Vehicle* means a car, truck, semi-truck, motorcycle, and every other vehicle that is self-propelled.

2.28 *Outdoor Enclosed, Locked Facility* means any Enclosed, Locked Facility that is not located inside of a Building. Must be a permanent structure secured on all sides, however a top is not required.

2.29 *Over the Counter* means selling, offering to sell, distributing, offering to distribute, delivering, or offering to deliver marihuana to a person who is not a Qualifying Patient or Primary Caregiver.

2.30 *Paraphernalia* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing marihuana into the human body.

2.31 Parcel of Property means parcel of property means that property which is identified by a single parcel number by the Mt. Morris Township Treasurer.

2.32 Patient Care Center means a facility established by one or more Primary Caregivers, not located at a Primary Caregiver's residence.

2.33 Person means any individual, partnership, corporation, association, or limited liability company.

2.34 Physician means an individual licensed to engage in the practice of medicine pursuant to **MCL 333.17001 et seq.** or **MCL 333.17501 et seq.**

2.35 Planning Commission means the Charter Township of Mt. Morris Planning Commission.

2.36 Possession means having on one's person or in one's surroundings, owning, controlling, asserting dominion over, transporting, shipping, or receiving.

2.37 Primary Caregiver means a person who is at least 21 years old, who has agreed to assist with a Qualifying Patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a Registry Identification Card, which is not expired and has not been revoked.

2.38 Processing Facility means a commercial facility where a Processor extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

2.39 Processor means a person who purchases marijuana from a grower and who extracts resins from the marihuana or creates marihuana infused products for sale and transfer in a packaged form to a Provisioning Center.

2.40 Provisioning Center:

A. Means a person who purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's registered primary caregiver;

B. Includes any commercial property where marihuana is sold at retail to patients or caregivers.

C. Does not include a non-commercial location used by a primary caregiver to assist a qualifying patient with the acquisition or medical use of marihuana.

D. Does not include a Home Care Center.

2.41 *Public Place* means any place that is open to the public.

2.42 *Qualifying Patient* means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a Registry Identification Card by the Department, which is not expired and has not been revoked.

2.43 *Registry Identification Card* means a document issued by the Department that identifies a person as a registered Qualifying Patient or registered Primary Caregiver.

2.44 *Safety Compliance Facility* means a commercial facility operated by a Tester who receives marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, and who then returns the test results and returns the marihuana to the marihuana facility.

2.45 *Secure transporter* means a person who stores marihuana and transports between growers, caregivers, and other facilities for a fee.

2.46 *Tester* means a person who person who receives marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, and who then returns the test results and returns the marihuana to the marihuana facility.

2.47 *Township* means the Charter Township of Mt. Morris, Genesee County, Michigan.

2.48 *Township Board* means the Board of Trustees of the Charter Township of Mt. Morris, Genesee County, Michigan.

2.49 *Usable Marihuana:*

A. Means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof; and

B. Includes all “marihuana infused products” as defined by **MCL 333.27102(k)**; and

C. Does not include the seeds, stalks, and roots of the plant.

2.50 Zoning Administrator means the Zoning Administrator of the Charter Township of Mt. Morris, Genesee County, Michigan, or his designee.

Article III—General Restrictions

3.00 General Restrictions: A person is prohibited from the following:

A. Acquiring, possessing, cultivating, manufacturing, consuming, delivering, transferring, or transporting marihuana, except as provided in this Ordinance; and

B. Undertaking any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice; and

C. Possessing or consuming marihuana in or on any school property, in a correctional facility, in any public place, or in or on any form of public transportation; and

D. Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marihuana; and

E. Consuming marihuana unless a person is a Qualified Patient; and

F. Offering marihuana Over the Counter at a Patient Care Center or Home Care Center; and

G. Distributing or delivering marihuana to any person at a Home Care Center; and

H. Consuming marihuana inside of a Patient Care Center, or on any part of the Parcel of Property on which the Patient Care Center is situated; and

I. Offering Marihuana Testing Services to any person, except as provided in *Paragraph 4.01D*, *Paragraph 5.01C*, *Paragraph 6.01F*, *Paragraph 7.02H*, and *Article XII*.

J. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

Article IV—Qualifying Patients

4.01 Authority of Qualifying Patient to Grow Marihuana: A Qualifying Patient located within the Township, who has no specified a Primary Caregiver to grow and cultivate marihuana on behalf of the Qualifying Patient, is authorized to do the following:

A. Grow, cultivate, and store 12 plants or such amount as is allowed by the Medical Marihuana Act, whichever is less, within an Indoor Enclosed, Locked Facility located at the Qualifying Patient's residence;

B. Grow, cultivate, and store 12 marihuana plants or such amount as is allowed by the Medical Marihuana Act, whichever is less, within an Outdoor Enclosed, Locked Facility located at the Qualifying Patient's residence, subject to the provisions of **Section 18.52(E)(2)** of the **Charter Township Mt. Morris Zoning Ordinance**;

C. Grow, cultivate, and store 12 marihuana plants or such amount as is allowed by the Medical Marihuana Act, whichever is less, at a Patient Care Center that is licensed by the Township; and

D. Test only the Qualifying Patient's own medical marihuana for safety, quality, or potency and only within an Indoor Enclosed, Locked Facility.

4.02 Authority of Qualifying Patient to Possess Marihuana: A Qualifying Patient within the Township is authorized to possess 2.5 ounces of Usable marihuana or such amount as is allowed by the Medical Marihuana Act, whichever is less.

4.03 Qualifying Patient Restrictions: A Qualifying Patient located within the Township is prohibited from the following:

A. Growing and cultivating marihuana if the Qualifying Patient has specified a Primary Caregiver to grow and cultivate marihuana on behalf of the Qualifying Patient; and

B. Growing, cultivating, or storing more than 12 marihuana plants or more than such amount as is allowed by the Medical Marihuana Act, whichever is less; and

C. Possessing in excess of 2.5 ounces of Usable marihuana or in excess of such amount as is allowed by the Medical Marihuana Act, whichever is less; and

- D. Selling, distributing, or delivering marihuana to any person; and
- E. Allowing any other person to access any Enclosed, Locked, Facility or Locker where the Qualifying Patient grows, cultivates, or stores marihuana; and
- F. Growing, cultivating, or storing marihuana at a location other than the Qualifying Patient's residence or a Patient Care Center; and
- G. Offering marihuana testing services to any other person; and
- H. Being in possession of a firearm or ammunition.

Article V—Primary Caregiver

5.01 Authority of Primary Caregiver: A Primary Caregiver located within the Township is authorized to do the following:

- A. Operate a Home Care Center as provided in *Article VI*, provided that the Primary Caregiver is permitted to grow, cultivate, and store 12 marihuana plants for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Medical Marihuana Act, whichever is less; and
- B. Operate a Patient Care Center as provided in *Article VII* provided that the Primary Caregiver is permitted to grow, cultivate, and store 12 marihuana plants for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Medical Marihuana Act, whichever is less; and
- C. Offer marihuana testing services only to the Primary Caregiver's Qualifying Patients;
- D. Possess up to 2.5 ounces of usable marihuana for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Medical Marihuana Act, or an amount necessary to maintain a continuous uninterrupted supply of medicine for their patients as permitted under the Medical Marihuana Act, whichever is less;
- E. Serve only the Qualifying Patients that are registered to the Primary Caregiver by the Department;
- F. Receive compensation only for costs associated with assisting a Qualifying Patient that is registered to the Primary Caregiver by the Department in

the medical use of marihuana, including providing marihuana Testing Services or Marihuana Testing Products; and

G. Distribute or deliver marihuana by personal delivery only to the Primary Caregiver's Qualifying Patients at the Qualifying Patient's residence or at a Patient Care Center.

5.02 Primary Caregiver Restrictions: A Primary Caregiver located within the Township is prohibited from the following:

A. Growing, cultivating, or storing marihuana in excess of 12 marihuana plants for each Qualifying Patient that is registered to the Primary Caregiver or such amount as is allowed by the Medical Marihuana Act, whichever is less;

B. Possessing in excess of 2.5 ounces of Usable marihuana for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Medical Marihuana Act, whichever is less;

C. Growing, cultivating, storing, distributing, or delivering marihuana in connection with or at a location at which any other Controlled Substance, commodity, product, service, or alcohol is provided or offered for sale;

D. Selling, distributing, or delivering any marihuana to any person who is not a Qualifying Patient that is registered to the Primary Caregiver by the Department;

E. Distributing or delivering marihuana to any person at a Home Care Center;

F. Distributing or delivering marihuana to the Primary Caregiver's Qualifying Patients at a location other than the Qualifying Patient's residence or at a Patient Care Center;

G. Distributing or delivering marihuana to the Primary Caregiver's Qualifying Patients by means other than Personal Delivery; and

H. Providing marihuana Testing Services to any person who is not one of the Primary Caregiver's Qualifying Patients.

I. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

5.03 Primary Caregiver Records: A Primary Caregiver must maintain accurate records of the following and provide the same to any law enforcement officer upon request:

A. The ID Number of each Qualifying Patient who is registered to the Primary Caregiver by the Department, provided that this list must be posted in the Enclosed, Locked Facility where marihuana is being grown and cultivated;

B. The number of marihuana plants that the Primary Caregiver is growing for each Qualifying Patient, provided that this list must be posted in the Enclosed, Locked Facility where marihuana is being grown and cultivated;

C. An ID Tag attached to each marihuana plant grown by the Primary Caregiver;

D. All transactions involving marihuana and Paraphernalia including the ID Number of the Qualifying Patient involved in the transaction and, if applicable, the amount of marihuana and the amount of money involved; and

E. Inventory of all Usable marihuana and Paraphernalia.

Article VI—Home Care Centers

6.01 Authority for Home Care Center: One Primary Caregiver may establish and operate a Home Care Center within the Township subject to the provisions set forth in *Article III* and *Article V* provided as follows:

A. That the Home Care Center is considered a home occupation and is subject to the provisions of **Section 18.13** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

B. That the Home Care Center must apply for and receive approval from the Planning Commission for the home occupation according to the standards set forth in **Section 18.13(B)** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

C. That the address, telephone number, and ID Number of the Primary Caregiver operating the Home Care Center and the ID Number of each Qualifying Patient to be served by the Home Care Center must be provided to the Township Police Department; and

D. That all growth, cultivation, storage, and testing of marihuana must occur within either an Indoor Enclosed, Locked Facility or within an Outdoor

Enclosed Locked Facility that complies with the provisions of **Section 18.52(E)(2)** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

E. That the Home Care Center must be approved by the Building Inspector after an inspection confirming that the building, the electrical system, and the plumbing system used to facilitate the growth or cultivation of marihuana plants complies with all applicable construction codes adopted by the Township; and

F. That the Home Care Center may offer marihuana testing services only to the Primary Caregiver's Qualifying Patient and only within an Indoor Enclosed, Locked Facility.

6.02 Home Care Center Restrictions: A Primary Caregiver operating a Home Care Center located within the Township is prohibited from the following:

A. Allowing access to the Enclosed, Locked Facility to any person who is not the Primary Caregiver; and

B. Distributing or delivering marihuana to a Qualifying Patient at the Home Care Center; and

C. Offering marihuana testing services to any person who is not the Primary Caregiver's Qualifying Patient; and

D. Performing marihuana testing services in any space or area that is not an Enclosed, Locked Facility; and

E. Allowing artificial light used to grow marihuana to be transmitted from within an Indoor Enclosed, Locked Facility to the outside; and

F. Allowing the sound levels from any machinery, equipment or mechanical device used in the operation of the Home Care Center to exceed the sound levels set forth in **Section 18.15** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

G. Allowing emission of noxious, odorous matter in such quantities as to produce a public nuisance or health hazard beyond property lines.

H. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

VII—Patient Care Centers

7.01 Patient Care Center License: One or more Primary Caregivers may establish and operate a Patient Care Center within the Township subject to the provisions set forth in *Article III*, *Article V*, and *Article XIII*, provided as follows:

A. That the Patient Care Center is issued a license by the Township pursuant to *Article XIII*; and

B. That the Patient Care Center has not been issued a license pursuant to the Facilities Licensing Act.

7.02 Authority for Patient Care Center: A Licensee operating a Patient Care Center located within the Township is authorized to do the following:

A. Allow Primary Caregivers and Qualifying Patients to grow, cultivate, and store marihuana within an Indoor Enclosed, Locked Facility located at the Patient Care Center; and

B. Provide Lockers for Qualifying Patients or Primary Caregivers to store marihuana at the Patient Care Center; and

C. Allow a Primary Caregiver to distribute or deliver marihuana only to the Qualifying Patients who are registered to the Primary Caregiver by the Department; and

D. Allow a Physician to maintain an office at the Patient Care Center to see patients concerning the medical use of marihuana; and

E. Offer marihuana testing products for use only within an Enclosed, Locked Facility and only by a Qualifying Patient to test his/her own medical marihuana or by a Primary Caregiver to test the medical marihuana of his/her Qualifying Patients; and

F. Allow a Primary Caregiver to provide marihuana testing services to the Primary Caregiver's Qualifying Patients.

7.03 Restrictions on Patient Care Center: A Licensee operating a Patient Care Center located within the Township is prohibited from the following:

A. Allowing marihuana to be consumed inside of the Patient Care Center or on any part of the Parcel of Property on which the Patient Care Center is situated; and

B. Allowing, assisting, or facilitating the sale of medical marihuana between any persons; and

C. Requiring or receiving a commission or other portion of the money that a Qualifying Patient pays a Primary Caregiver for the Primary Caregiver's assistance in the medical use of marihuana; and

D. Allowing any person who is not a Qualifying Patient or Primary Caregiver to rent, lease, buy, or otherwise use an Indoor, Locked Facility or Locker to grow, cultivate, or store marihuana; and

E. Allowing a Primary Caregiver or Qualifying Patient to access the Indoor Enclosed, Locked Facility or Locker of another Primary Caregiver or Qualifying Patient; and

F. Allowing an employee or agent of the Licensee access to the Indoor Enclosed, Locked Facility or Locker of another Primary Caregiver or Qualifying Patient; and

G. Employing any person, whose employment responsibilities require that person to access, acquire, cultivate, deliver, grade, manufacture, possess, transfer, or transport marihuana at any time or for any purpose to work in the Patient Care Center who is not either a Primary Caregiver or a Qualifying Patient; and

H. Allowing the sale, consumption or use of alcohol or tobacco products on the premises; and

I. Operating at the same location as a business which has been licensed by the State of Michigan Liquor Control Commission; and

J. Including the word "Marihuana," any variation thereof, or any other synonym for marihuana in the name of the Patient Care Center; and

K. Using any symbol or image relating to marihuana or Paraphernalia or the use of marihuana in the name of the Patient Care Center; and

L. Allowing artificial light used to grow marihuana to be transmitted from within an Indoor Enclosed, Locked Facility to the outside; and

M. Allowing the sound levels from all machinery, equipment or mechanical device used in the operation of the Patient Center to exceed the sound

levels set forth in **Section 18.15** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

N. Allowing emission of noxious, odorous matter in such quantities as to produce a public nuisance or health hazard beyond property lines; and

O. Allowing a Primary Caregiver to provide Marihuana Testing Services to any person who is not the Primary Caregiver's Qualifying Patients; and

P. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

7.04 Patient Care Center Records: A Licensee operating a Patient Care Center must maintain accurate records of the following and provide the same to any law enforcement officer upon request:

A. The number of Primary Caregivers growing, cultivating, or storing marihuana at the Patient Care Center;

B. The number of Qualifying Patients growing, cultivating, or storing marihuana at the Patient Care Center;

C. The number of marihuana plants being grown, cultivated, and stored by each Qualifying Patient and Primary Caregiver at the Patient Care Center;

D. The total number of marihuana plants that are being grown, cultivated, and stored on site;

E. The number of Qualifying Patients that are served by Primary Caregivers at that Patient Care Center;

F. The ID Number of each Qualifying Patient and each Primary Caregiver that enters the Patient Care Center each day;

G. Current inventory of all Usable marihuana and Paraphernalia kept on site;

H. All transactions involving marihuana and Paraphernalia including the ID Number of the Primary Caregiver and Qualifying Patient involved in the transaction and, if applicable, the amount of marihuana and the amount of money involved; and

- I. An ID Tag on each marihuana plant.

7.05 Security Requirements: A Licensee operating a Patient Care Center must provide the following security measures:

- A. A separate Indoor Enclosed, Locked Facility for each Qualifying Patient or Primary Caregiver who grows, cultivates, stores, or tests marihuana at the Patient Care Center; and

- B. Each Indoor Enclosed, Locked Facility must be secured such that it is only accessible by the Qualifying Patient or the Primary Caregiver who rents, leases, or owns the Indoor Enclosed, Locked Facility; and

- C. Each Locker must be secured such that it is only accessible by the Qualifying Patient or the Primary Caregiver who rents, leases, or owns the Locker; and

- D. A system for checking and validating the Registry Identification Cards of each Qualifying Patient and Primary Caregiver before allowing entrance into any area of the Patient Care Center where marihuana is grown, cultivated, or stored; and

- E. A closed-circuit video surveillance system that monitors each Enclosed, Locked Facility, each entrance and exit, any area where money is exchanged, any area where marihuana is distributed or delivered, and the parking lot of the Patient Care Center, 24 hours per day; and

- F. At least 1 licensed, armed security guard during hours of operation; and

- G. A depository safe with a time delay lock mechanism; and

- H. The entrance and exit doors must be secured at all times.

7.06 Hours of Operation: Hours of operation of a Patient Care Center are limited to the following:

- A. Monday through Saturday: 10:00 a.m. to 8:00 p.m.;

- B. Sunday: 10:00 a.m. to 4:00 p.m.

7.07 Zoning Compliance: A Licensee operating a Patient Care Center must comply with all of the provisions of **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance**, the provisions of which are incorporated by reference.

7.08 Compliance Required: At all times a Licensee operating a Patient Care Center must comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, and the Medical Marihuana Act.

VIII—Provisioning Center

8.01 Provisioning Center License: One or more Primary Caregivers may establish and operate a Provisioning Center within the Township subject to the provisions set forth in *Article III*, *Article V* and *Article XIII*, provided as follows:

A. That the Provisioning Center is issued a license by the Township pursuant to *Article XIII*; and

B. That the Provisioning Center is issued a license by the State of Michigan pursuant to the Facilities Licensing Act.

8.02 Authority for Provisioning Center: A Licensee operating a Provisioning Center located within the Township is authorized to sell or transfer marijuana to a registered qualifying patient or registered primary caregiver after it has been tested and bears the label for retail sale and comply with the requirements of the Facilities Licensing Act for such sale or transfer; and

8.03 Restrictions on Provisioning Center: A Licensee operating a Provisioning Center located within the Township is prohibited from the following:

A. Allowing Marihuana to be consumed inside of the Provisioning Center or on any part of the Parcel of Property on which the Provisioning Center is situated; and

B. Allowing any Person to grow, or cultivate marihuana; and

C. Allowing a Primary Caregiver or Qualifying Patient to access the Indoor Enclosed, Locked Facility or Locker of another Primary Caregiver or Qualifying Patient; and

D. Allowing an employee or agent of the Licensee access to the Indoor Enclosed, Locked Facility or Locker of another Primary Caregiver or Qualifying Patient; and

E. Employing any person, whose employment responsibilities require that person to access, acquire, cultivate, deliver, grade, manufacture, possess, transfer, or transport marihuana at any time or for any purpose to work in the Provisioning Center who is not (i) a Primary Caregiver; or (ii) a Qualifying Patient; or (iii) employed in compliance with Facilities Licensing Act; and

F. Allowing the sale, consumption or use of alcohol or tobacco products on the premises; and

G. Operating at the same location as a business which has been licensed by the State of Michigan Liquor Control Commission; and

H. Including the word “Marihuana,” any variation thereof, or any other synonym for marihuana in the name of the Provisioning Center; and

I. Using any symbol or image relating to marihuana or Paraphernalia or the use of marihuana in the name of the Provisioning Center; and

J. Allowing a physician to conduct a medical examination or issue a medical certification document on the premises for the purpose of obtaining a Registry Identification Card; and

K. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

8.04 *Provisioning Center Records:* A Provisioning Center must comply with the record requirements of the Facilities Licensing Act.

8.05 *Security Requirements:* A Licensee operating a Provisioning Center must provide the following security measures:

A. Each Indoor Enclosed, Locked Facility must be secured such that it is only accessible by the Qualifying Patient or the Primary Caregiver who rents, leases, or owns the Indoor Enclosed, Locked Facility; and

B. Each Locker must be secured such that it is only accessible by the Qualifying Patient or the Primary Caregiver who rents, leases, or owns the Locker; and

C. A system for checking and validating the Registry Identification Cards of each Qualifying Patient and Primary Caregiver before allowing entrance into any area of the Provisioning Center where marihuana is stored; and

D. A closed-circuit video surveillance system that monitors each Enclosed, Locked Facility, each entrance and exit, any area where money is exchanged, any area where marihuana is distributed or delivered, and the parking lot of the Provisioning Center, 24 hours per day; and

E. At least 1 licensed, armed security guard during hours of operation; and

F. A depository safe with a time delay lock mechanism; and

G. The entrance and exit doors must be secured at all times.

8.06 Hours of Operation: Hours of operation of a Provisioning Center are limited to the following:

A. Monday through Saturday: 10:00 a.m. to 8:00 p.m.;

B. Sunday: 10:00 a.m. to 4:00 p.m.

8.07 Zoning Compliance: A Licensee operating a Provisioning Center must comply with all the provisions of **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance**, the provisions of which are incorporated by reference.

8.08 Compliance Required: At all times a Licensee operating a Provisioning Center must comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, the Medical Marihuana Act and the Facilities Licensing Act.

IX—Grow Facility

9.01 Authority for a Grow Facility: A Grower may establish and operate a Grow Facility within the Township subject to the provisions set forth in **Article III**, **Article V** and **Article XIII**, provided as follows provided as follows:

A. That the Grower is issued a license by the Township pursuant to **Article XIII**; and

B. That the Grower is issued a license by the State of Michigan pursuant to the Facilities Licensing Act.

9.02 Authority for Grow Facility: A Licensee operating a Grow Facility located within the Township is authorized to cultivate, dry, trim, cure, and package marihuana for sale to a Processor or Provisioning Center.

9.03 Restrictions on Grow Facility: A Licensee operating a Grow Facility located within the Township is prohibited from the following:

A. Selling or transferring marijuana to a registered qualifying patient or registered primary caregiver; and

B. Providing common areas and private rooms where Primary Caregivers and Qualifying Patients are allowed to meet and socialize; and

C. Allowing Marijuana to be consumed inside of the Grow Facility or on any part of the Parcel of Property on which the Grow Facility is situated; and

D. Employing any person, whose employment responsibilities require that person to cultivate, dry, trim, cure, and package marijuana for sale to a Processor or Provisioning Center who is not employed by the Grower in compliance with Facilities Licensing Act; and

E. Allowing the sale, consumption or use of alcohol or tobacco products on the premises; and

F. Operating at the same location as a business which has been licensed by the State of Michigan Liquor Control Commission; and

G. Including the word “Marihuana,” any variation thereof, or any other synonym for marihuana in the name of the Grow Facility; and

I. Using any symbol or image relating to marihuana or Paraphernalia or the use of marihuana in the name of the Grow Facility; and

J. Allowing a physician to conduct a medical examination or issue a medical certification document in the Grow Facility for the purpose of obtaining a Registry Identification Card.

K. Allowing artificial light used to grow marihuana to be transmitted from within an Indoor Enclosed, Locked Facility to the outside; and

L. Allowing the sound levels from all machinery, equipment or mechanical device used in the operation of the Grow Facility to exceed the sound levels set forth in **Section 18.15** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

M. Allowing emission of noxious, odorous matter in such quantities as to produce a public nuisance or health hazard beyond property lines; and

N. Allowing any Person to operate a Safety Compliance Facility on the premises of the Grow Facility.

O. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

9.04 Compliance Required: At all times a Licensee operating a Grow Facility must:

A. Comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, the Medical Marihuana Act and the Facilities Licensing Act; and

B. Obtain approval of the Grow Facility by the Building Inspector after an inspection confirming that the building, the electrical system, and the plumbing system used to facilitate the processing, growth or cultivation of marihuana plants complies with all applicable construction codes adopted by the Township; and

C. Comply with the record requirements of the Facilities Licensing Act.

9.05 Security Requirements: A Licensee operating a Grow Facility must provide the following security measures:

A. A closed-circuit video surveillance system that monitors each the Grow Facility and the parking lot of the Grow Facility, 24 hours per day; and

B. At least 1 licensed, armed security guard during hours of operation; and

C. The entrance and exit doors must be secured at all times.

9.06 Zoning Compliance: A Licensee operating a Grow Facility must comply with all of the provisions of **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance**, the provisions of which are incorporated by reference.

Article X—Processing Facility

10.01 Authority for a Processing Facility: A Processor may establish and operate a processing facility within the Township subject to the provisions set forth in **Article III**, **Article V** and **Article XIII**, provided as follows provided as follows:

A. That the Processor is issued a license by the Township pursuant to *Article XIII*; and

B. That the Processor is issued a license by the State of Michigan pursuant to the Facilities Licensing Act.

10.02 Authority for Processing Facility: A Licensee operating a Processing Facility located within the Township is authorized to purchase marijuana from a grower and extract resins from the marijuana and create marijuana infused products for sale and transfer in a packaged form to a Provisioning Center.

10.03 Restrictions on Processing Facility: A Licensee operating a Processing Facility located within the Township is prohibited from the following:

A. Selling or transferring marijuana to a registered qualifying patient or registered primary caregiver; and

B. Providing common areas and private rooms where Primary Caregivers and Qualifying Patients are allowed to meet and socialize; and

C. Allowing marijuana to be consumed inside of the Processing Facility or on any part of the Parcel of Property on which the Processing Facility is situated; and

D. Employing any person, whose employment responsibilities require that person to purchase marijuana from a grower and extract resins from the marijuana or create marijuana infused products for sale and transfer in a packaged form to a Provisioning Center who is not employed by the Processor in compliance with Facilities Licensing Act; and

E. Allowing the sale, consumption or use of alcohol or tobacco products on the premises; and

F. Operating at the same location as a business which has been licensed by the State of Michigan Liquor Control Commission; and

G. Including the word “Marihuana,” any variation thereof, or any other synonym for marijuana in the name of the Processing Facility; and

I. Using any symbol or image relating to marijuana or Paraphernalia or the use of marijuana in the name of the Processing Facility; and

J. Allowing a physician to conduct a medical examination or issue a medical certification document in the Processing Facility for the purpose of obtaining a Registry Identification Card.

K. Allowing the sound levels from all machinery, equipment or mechanical device used in the operation of the Processing Center to exceed the sound levels set forth in **Section 18.15** of the **Charter Township of Mt. Morris Zoning Ordinance**; and

L. Allowing emission of noxious, odorous matter in such quantities as to produce a public nuisance or health hazard beyond property lines; and

M. Allowing any Person to operate a Safety Compliance Facility on the premises.

N. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

10.04 Compliance Required: At all times a Licensee operating a Processing Facility must:

A. Comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, the Medical Marihuana Act and the Facilities Licensing Act; and

B. Obtain approval of the Processing Facility by the Building Inspector after an inspection confirming that the building, the electrical system, and the plumbing system used to facilitate the processing, growth or cultivation of marihuana plants complies with all applicable construction codes adopted by the Township; and

C. Comply with the record requirements of the Facilities Licensing Act.

10.05 Security Requirements: A Licensee operating a Processing Facility must provide the following security measures:

A. A closed-circuit video surveillance system that monitors each the Processing Facility and the parking lot of the Processing Facility, 24 hours per day; and

B. At least 1 licensed, armed security guard during hours of operation; and

- C. The entrance and exit doors must be secured at all times.

10.06 Zoning Compliance: A Licensee operating a Processing Facility must comply with all of the provisions of **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance**, the provisions of which are incorporated by reference.

XI—Secured Transporter

11.01 Secured Transporter License: A Person may operate as a Secured Transporter within the Township subject to the provisions set forth in **Article III**, **Article V** and **Article XIII**, provided as follows:

- A. That the Secured Transporter is issued a license by the Township pursuant to **Article XIII**; and

- B. That the Secured Transporter is issued a license by the State of Michigan pursuant to the Facilities Licensing Act.

11.02 Authority for Secured Transporter: A Licensee operating as a Secured Transporter within the Township is authorized to do the following:

- A. Store marihuana for a fee; and

- B. Transport marihuana between marihuana facilities for a fee.

11.03 Restrictions on a Secured Transporter: A Licensee operating as a Secured Transporter within the Township is prohibited from the following:

- A. Allowing Marihuana to be consumed inside of any vehicle providing Secured Transporter services within the Township;

- B. Employing any person, whose employment responsibilities require that person to possess, transfer, or transport marihuana at any time or for any purpose to work for a Secured Transporter who is not (i) a Primary Caregiver; or (ii) a Qualifying Patient; or (iii) employed in compliance with Facilities Licensing Act; and

- C. Including the word “Marihuana,” any variation thereof, or any other synonym for marihuana in the name of the Secured Transporter; and

- D. Using any symbol or image relating to marihuana or Paraphernalia or the use of marihuana in the name of the Secured Transporter.

E. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

11.04 Secured Transporter Records: A Secured Transporter must comply with the record requirements of the Facilities Licensing Act.

11.05 Compliance Required: At all times a Licensee operating as a Secured Transporter must comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, the Medical Marihuana Act and the Facilities Licensing Act.

Article XII—Safety Compliance Facility

12.01 Authority for a Safety Compliance Facility: A Person may establish and operate a Safety Compliance Facility within the Township subject to the provisions set forth in *Article III*, *Article V* and *Article XIII*, provided as follows provided as follows:

A. That the Safety Compliance Facility is issued a license by the Township pursuant to *Article XIII*; and

B. That the Safety Compliance Facility is issued a license by the State of Michigan pursuant to the Facilities Licensing Act;

12.02 Authority for Safety Compliance Facility: A Licensee operating a Safety Compliance Facility located within the Township is authorized to receive marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, and who then returns the test results and returns the marihuana to the marihuana facility.

12.03 Restrictions on Safety Compliance Facility: A Licensee operating a Safety Compliance Facility located within the Township is prohibited from the following:

A. Selling or transferring marijuana to a registered qualifying patient or registered primary caregiver; and

B. Providing common areas and private rooms where Primary Caregivers and Qualifying Patients are allowed to meet and socialize; and

C. Allowing marihuana to be consumed inside of the Safety Compliance Facility or on any part of the Parcel of Property on which the Safety Compliance Facility is situated; and

D. Employing any Person, whose employment responsibilities require that person to receive marihuana from a marihuana facility or registered primary caregiver for the purpose of testing it for contaminants and for tetrahydrocannabinol and other cannabinoids, who is not employed by the Safety Compliance Facility in compliance with Facilities Licensing Act; and

E. Allowing the sale, consumption or use of alcohol or tobacco products on the premises; and

F. Operating at the same location as a business which has been licensed by the State of Michigan Liquor Control Commission; and

G. Including the word “Marihuana,” any variation thereof, or any other synonym for marihuana in the name of the Safety Compliance Facility; and

H. Using any symbol or image relating to marihuana or Paraphernalia or the use of marihuana in the name of the Safety Compliance Facility; and

I. Allowing a physician to conduct a medical examination or issue a medical certification document in the Safety Compliance Facility for the purpose of obtaining a Registry Identification Card.

J. Providing common areas and private rooms for Primary Caregivers and Qualifying Patients to meet and socialize.

12.04 Compliance Required: At all times a Licensee operating a Processing Facility must:

A. Comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, the Medical Marihuana Act and the Facilities Licensing Act; and

B. Obtain approval of the Safety Compliance Facility by the Building Inspector after an inspection confirming that the building, the electrical system, and the plumbing system used to facilitate the testing of marihuana plants complies with all applicable construction codes adopted by the Township; and

C. Comply with the record requirements of the Facilities Licensing Act.

12.05 Security Requirements: A Licensee operating a Safety Compliance Facility must provide the following security measures:

- A. A closed-circuit video surveillance system that monitors each the Processing Facility and the parking lot of the Processing Facility, 24 hours per day; and
- B. At least 1 licensed, armed security guard during hours of operation; and
- C. The entrance and exit doors must be secured at all times.

12.06 Zoning Compliance: A Licensee operating a Processing Facility must comply with all of the provisions of **Section 18.52** of the **Charter Township of Mt. Morris Zoning Ordinance**, the provisions of which are incorporated by reference.

Article XIII—License

13.01 License Required: A Patient Care Center, a Provisioning Center, a Grow Facility, a Processing Facility, a Safety Compliance Facility, and a Secured Transporter are prohibited from operating within the Township without a License issued by the Zoning Administrator.

13.02 Licenses available: Subject to *Paragraph 13.03* and *Paragraph 13.04*, an applicant may submit an application the following types of licenses from the township (on a form approved by Township Board by resolution):

- A. A Class A, Class B, or Class C Grow Facility License as described by the Facilities Licensing Act; and
- B. A Processing Facility license as described by the Facilities Licensing Act; and
- C. A Secured Transporter license as described by the Facilities Licensing Act; and
- D. A Provisioning Center license as described by the Facilities Licensing Act; and
- E. A Safety Compliance Facility as described by the Facilities Licensing Act; and
- F. A Patient Care Center as described by this Ordinance.

13.03 Exemption from Freedom of Information Act: Information that the Township obtains from an Applicant for any license is exempt from disclosure under the Freedom of Information Act, being **MCL 15.231, et.seq.**

13.04 Multiple Licenses: A person possessing a Grower License, Processor License or Provisioning Center License shall not be permitted to obtain a Safety Compliance Facility, or a Secured Transporter License unless approved by the Township.

13.05 Permit Fee: A nonrefundable fee of \$5,000 shall accompany any application for a license issued pursuant to this Ordinance, provided as follows:

A. The Township shall issue no more than 10 Class A Grower Licenses as described by the Facilities Licensing Act; and

B. The Township shall issue no more than 10 Class B Grower Licenses as described by the Facilities Licensing Act; and

C. There shall be no limit on the number of Class C Growers Licenses as described by the Facilities Licensing Act issued by the Township; and

D. There shall be no limit on the number of Processor Licenses as described by the Facilities Licensing Act issued by the Township; and

E. The Township shall issue no more than 3 Compliance Facility Licenses as described by the Facilities Licensing Act; and

F. The Township shall issue no more than 5 Secured Transporter Facility Licenses as described by the Facilities Licensing Act; and

G. The Township shall issue no more than 5 Provisioning Center Licenses as described by the Facilities Licensing Act.

13.06 Renewal Fee: A licensee must include with any application to renew a license issued pursuant to this Ordinance a nonrefundable fee of \$5,000.

13.07 License Term: All licenses issued pursuant to this Ordinance are valid for a term of 1 year from the date of issuance; thereafter, a renewal Application must be completed and the renewal fee paid as set forth in **Paragraph 13.06.**

13.08 Application Process: The Application process consists of two steps:

A. The Applicant must obtain site plan approval from the Planning Commission for the site, building, layout, and facilities in accordance with the **Charter Township of Mt. Morris Zoning Ordinance**; and

B. Once the Planning Commission approves the site plan, the Zoning Administrator must provide the Applicant with an Application.

13.09 Application for License: An Application must be submitted to the Zoning Administrator and must be signed and verified under oath by the Applicant or the Applicant's authorized agent and must set forth the following:

A. Whether any person named in the Application has previously had a license, which had been issued by the Township pursuant to this Ordinance or a license issued by any municipality pursuant to an Ordinance similar to this Ordinance, revoked or suspended; and

B. If the Applicant is an individual, the name, address, telephone number, and Primary Caregiver ID number of the individual or individuals applying for a license or if the applicant is licensed by the State through the Facilities Licensing Act, then a copy of their state license and license number; and

C. If the Applicant is not an individual, the name of the business, business address, telephone number, date of formation of the business, and the names, addresses, telephone numbers and Primary Caregiver ID Number of each shareholder, director, officer, member, and/or principal of the business and if the applicant is licensed by the State the Facilities Licensing Act, then a copy of their state license and license number; and

D. The name, address, and telephone number of each employee of Applicant, and if applicable, the ID Number of any employee whose employment responsibilities will include the activities set forth in **Paragraph 7.03G**; and

E. The name of the business; and

F. A description of the nature of the business; and

G. The proposed location of the business; and

H. The length of time for which the right to do business is sought; and

I. The state sales tax license number of the business;

J. A 2 inch by 2-inch photograph, taken within 30 days of filing the Application, of the Applicant or authorized agent for the Applicant; and

K. A statement that no employee, shareholder, director, officer, member, and/or principal of the business is a police officer employed by a police department with jurisdiction in Mt. Morris Township, a fireman employed by a fire department with jurisdiction in Mt. Morris Township, or a Township employee.

13.10 *Submission of Application:* The completed Application must be submitted to the Zoning Administrator, and must include:

A. The Application Fee, as provided by ***Paragraph 13.05*** or ***Paragraph 13.06***;

B. An authorization authorizing the Township to obtain a Criminal History report for each person identified in the Application;

C. An authorization authorizing the Township to obtain a Master Driving record of each person identified in the Application; and

D. An Application for Special Land Use Permit, with all supporting documentation as required by the **Charter Township of Mt. Morris Zoning Ordinance** and the fee therefor.

13.11 *Investigation:* Upon receipt of an Application, the Zoning Administrator must:

A. Request the Chief of Police to conduct an investigation of the Applicant by obtaining a computerized Criminal History and Master Driving Record of each person identified on the Application;

B. Request the Building Inspector to conduct an inspection of the proposed facility of the applicant; and

C. Request the Fire Chief of the District in which the proposed facility of the applicant is located to conduct an inspection; and

D. Schedule the Application site plan review with the Township Planning Commission after the Zoning Administrator receives approval from the Chief of Police, from the Fire Chief of the District in which the facility is located, and from the Building Inspector.

E. If the applicant is licensed by the State of Michigan under the Facilities Licensing Act, then verify their licensing through the State of Michigan.

13.12 Required Approvals: Before a License may be issued, the following requirements must be satisfied:

A. The Zoning Administrator determines that no person listed in the Application has previously had a license revoked which had been issued pursuant to this Ordinance or issued by any municipality pursuant to an Ordinance similar to this Ordinance;

B. The Zoning Administrator is advised in writing by the Chief of Police that a computerized Criminal History, and Master Driving Record of each person identified on the Application which do not show any conviction: (i) for a felony under the laws of Michigan, any other state, or the United States within the past 10 years; (ii) for a controlled substance-related felony within the past 10 years; or (iii) for a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or 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 within the past 5 years.

C. The Zoning Administrator determines that the Applicant made no false or fraudulent statement on the Application;

D. The Zoning Administrator receives an inspection report from the Building Inspector which establishes that the building and premises of the proposed location of the business comply with all applicable construction code adopted by the Township;

E. The Zoning Administrator receives an inspection report from the Fire Chief of the district in which the proposed facility is located which established that the facility complies with applicable provisions of the fire code;

F. The Chief of Police has approved the Application after an investigation of the Applicant and an interview of the Applicant or the Applicant's authorized agent; and

G. The Planning Commission has approved the site plan.

13.13 Scheduling of Public Hearing: A public hearing on the Application must take place during the next regularly scheduled meeting of the Planning Commission after the requirements provided in *Paragraph 12.03* have been met.

13.14 Approval of Application: After a public hearing, the Application must be approved if the Planning Commission determines that all provisions of the **Charter Township of Mt. Morris Zoning Ordinance**, this Ordinance, and the Medical Marihuana Act are complied with and that no apparent danger exists to the Applicant, the Applicant's employees, or the citizens of the Township.

13.15 Issuance of License: The Zoning Administrator must issue a license to an Applicant within 7 days of receiving the approval and request from the Planning Commission.

13.16 Record of Licenses Issued: The Zoning Administrator must keep a record of all licenses issued pursuant to this Ordinance.

13.17 Transfer of License: A license issued pursuant to this Ordinance cannot be sold, transferred, or otherwise conveyed to any person or entity or to any other facility operated by the Applicant.

13.18 License Suspension and Revocation: All licenses issued pursuant to this Ordinance may be temporarily suspended or revoked after Notice, as provided in **Paragraph 13.19**, and a hearing conducted by the Planning Commission for any of the following reasons:

- A. Any violation of this Ordinance;
- B. Any fraud, misrepresentation, or false statement contained in the Application for license;
- C. Any fraud, misrepresentation, or false statement made in connection with the selling of goods or merchandise, or made in the carrying on of the business for which the license was issued;
- D. Conviction of the Licensee of any felony or any misdemeanor that involves moral turpitude; or
- E. Conducting the business under this Ordinance in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety, or general welfare to the public.

13.19 Notice Required: Notice of a hearing for suspension or revocation must be given in writing, stating with specificity, the grounds of the complaint and the time and place of the hearing. The Notice must be mailed, postage prepaid, to the Licensee, at

the address listed by Applicant on the Application or such other address of Licensee thereafter provided to the Township at least 7 days before the date of the hearing.

13.20 *Surrender on Demand:* A license issued under this Ordinance must be surrendered on demand to a police officer based upon probable cause belief by the officer that the Licensee is in violation of this Ordinance or any other Federal, State, or local laws, rules, regulations, or ordinances. A license surrendered under this Section must be returned to the Licensee within 48 hours upon failure by the Planning Commission to find cause to revoke the permit as described in *Paragraph 13.18*.

13.21 *License Restrictions:* A license to operate a Patient Care Center may not be issued to any police officer, fireman, or any other Mt. Morris Township employee or to any entity in which any police officer, fireman, or any other Mt. Morris Township employee has an interest.

13.22 *Display of License:* A license issued pursuant to this Ordinance must be posted in a visible location at all times.

13.23 *Annual Inspections:* Upon the filing by Licensee of a renewal application with the Township, the following must be conducted at the expense of the Licensee as set forth in *Paragraph 13.06*:

A. The Chief of Police must conduct an investigation of a Licensee's criminal background and criminal records, and

B. The Fire Chief of the District in which the facility is located must conduct an inspection of Licensee's premises to confirm that Licensee complies with the requirements of all applicable provisions of the fire code; and

C. The Building Inspector must conduct an inspection of Licensee's building to confirm that the building complies with the requirements of all applicable construction codes; and

D. The Electrical Inspector must conduct an inspection of the electrical system in Licensee's building to confirm that Licensee complies with the requirements of all applicable electrical codes.

13.24 *Random Inspections:* The Chief of Police, the Fire Chief, and the Building Inspector may conduct investigations and/or inspections referred to in *Paragraph 13.23* at random times during the License term at the expense of the Township.

Article XIV—Penalties

14.01 Civil Infraction: Any person found to be in violation of this Ordinance is subject to a civil infraction and may be subject to a civil fine not to exceed \$500, plus assessable costs.

14.02 Injunction: The Chief of Police, or his assignee, or the Genesee County prosecuting attorney may institute injunction or proceedings to prevent or enjoin any violation of the provisions of this Ordinance.

14.03 Rights and Remedies are Cumulative: The rights and remedies provided in this Ordinance are cumulative and are in addition to any other remedy provided by law.

Article XV—Conflict

15.00 Conflict: All other Ordinances or parts of Ordinances, and that are in conflict with this Ordinance, including **Article III, §6-45 of Chapter 6 of the Code of Ordinances**, are hereby repealed.

Article XVI—Severability

16.00 Severability: The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it will not affect any other part or portion thereof.

Article XVII—Effective Date

17.00 Effective Date: This Ordinance becomes effective upon the 17th day of December, 2017, following publication of its final passage. A summary of this ordinance must be published in a newspaper circulated within the Charter Township of Mt. Morris, Genesee County, Michigan.

CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Mount Morris Charter Township, Genesee County, Michigan, do hereby certify that the above Mount Morris Township Amendment to Chapter 6 of the Code of Ordinances was duly adopted by the Township Board of the Charter Township of Mount Morris, at which meeting a quorum was present.

Larry Green, Supervisor

Brenda Ashley, Clerk