

**MANCELONA TOWNSHIP
COUNTY OF ANTRIM, STATE OF MICHIGAN**

**AMENDMENT TO THE MANCELONA TOWNSHIP MICHIGAN REGULATION AND
TAXATION OF MARIHUANA ORDINANCE**

IT IS HEREBY ORDAINED, by the Township Board for the Township of Mancelona, Antrim County, Michigan, that sub-section of Section 4, of Mancelona Township Ordinance 20, dealing with the subject of marihuana permits under the Michigan Regulation and Taxation of Marihuana Act, shall be, and the same is hereby, deleted, in its entirety, and the following is substituted therefor:

- A. Township hereby authorizes the operation of the following types of Marihuana Establishments, subject to the number of available Permits issued in this Section.
1. Marihuana Grower Permits, Class A: [5]
 2. Marihuana Grower Permits, Class B: [zero]
 3. Marihuana Grower Permits, Class C: [zero]
 4. Marihuana Processor Permits: [zero]
 5. Marihuana Safety Compliance Facility Permits: [zero]
 6. Marihuana Secure Transporter Permits: [zero]
 7. Marihuana Retailer Permits: [zero]
 8. Marihuana Microbusiness: [zero]
 9. Excess Marihuana Grower Permits: [zero]
 10. Designated Consumption Establishment: [zero]
 11. Marihuana Event Organizer: [zero]
 12. Temporary Marihuana Event: [zero]

The foregoing Amendment shall, promptly after its adoption, be published in a newspaper of general circulation within the boundaries of Mancelona Township and qualified under state law to publish legal notices. The foregoing Amendment, further, shall become effective thirty (30) days after the date of publication.

MANCELONA TOWNSHIP – AMENDMENT OF ORDINANCE CERTIFICATION

At a special meeting of the Mancelona Township Board, Antrim County, Michigan, held at the Mancelona Township Hall located at 9601, South M-88 Hwy., Mancelona, Antrim County, Michigan on April 23, 2021, at 10:00am:

PRESENT: Michael Biehl, Jessie Ayoub, Donna Gundle-Krieg, Rod Vesey

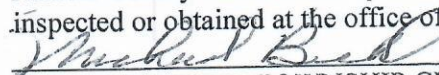
ABSENT: Chuck Johnson

An amendment to Ordinance No. 20, the Mancelona Township Michigan Regulation and Taxation of Marihuana Ordinance, was considered by the Board and upon motion made and seconded, the Township Board duly adopted said amendment to the Ordinance upon the following vote:

YEAS: Michael Biehl, Jessie Ayoub, Donna Gundle-Krieg, Rod Vesey

NAYS: none

I, MICHAEL BIEHL, Clerk of the Township of Mancelona, hereby certify that said Amendment to Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Amendment to Ordinance was published in the Antrim County Review on April 29, 2021 and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.


MICHAEL BIEHL, TOWNSHIP CLERK

MANCELONA TOWNSHIP
COUNTY OF ANTRIM, STATE OF MICHIGAN
MANCELONA TOWNSHIP ORDINANCE NO. 20

ADOPTED DATE: March 15, 2021

EFFECTIVE DATE: April 24, 2021

ORDINANCE AUTHORIZING AND PERMITTING LIMITED ADULT-USE MARIHUANA ESTABLISHMENTS

An Ordinance to replace Mancelona Township Ordinance No.19-18 and to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018. This ordinance authorizes the licensing and regulation of Marihuana Establishments by requiring a Permit and compliance with requirements as provided in this Ordinance, in order to maintain the public health, safety and welfare of the residents and visitors to the Township

MANCELONA TOWNSHIP ORDAINS:

SECTION 1. TITLE This ordinance shall be known as, and may be cited as, the Mancelona Township Michigan Regulation and Taxation of Marihuana Ordinance.

SECTION 2. DEFINITIONS This ordinance shall adopt all terms and phrases from the Michigan Regulation and Taxation of Marihuana Act, specifically section MCL 333.27953. (MRTMA). Additionally, as used in this ordinance:

- A. "Application" means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the "Applicant."
- B. "Designated consumption establishment," as that term is defined by the Department or as may be defined in the MRTMA;
- C. "Excess marihuana grower," as that term is defined by the Department or as may be defined in the MRTMA;
- D. "Marihuana event organizer," as that term is defined by the Department or as may be defined in the MRTMA;
- E. "Temporary marihuana event" as that term is defined by the Department or as may be defined in the MRTMA.
- F. "Permit" means an approval issued by the Township pursuant to the MRTMA that allows a Person to operate an Establishment in the Township under this Ordinance, which Permit may be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
- G. "Permit Holder" means the Person that holds a current and valid Permit issued under this Ordinance.
- H. "Permitted Premises" means the particular building or buildings within which the Permit Holder will be authorized to conduct the Establishment's activities pursuant to the Permit.

- I. "Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
- J. "Public Place" means any area to which the public is invited or generally permitted in the usual course of business.
- K. "Township" means Mancelona Township, a general law township located in Antrim, Michigan.

SECTION 3. OTHER LAWS AND ORDINANCES. In addition to the terms of this Ordinance, any Marihuana Establishment shall comply with all state and local laws, and ordinances, including the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and any rules and regulations adopted by the Department of Licensing and Regulatory Affairs (LARA) Marijuana Regulatory Agency (MRA).

SECTION 4. PERMIT REQUIRED; TYPE AND NUMBER OF PERMITS AVAILABLE:

- A. Township hereby authorizes the operation of the following types of Marihuana Establishments, subject to the number of available Permits issued in this Section.
 - 1. Marihuana Grower Permits, Class A: 500 plant grow [5]
 - 2. Marihuana Grower Permits, Class B: 1000 plant grow [zero]
 - 3. Marihuana Grower Permits, Class C: 1500 plant grow [zero]
 - 4. Marihuana Processor Permits: [zero]
 - 5. Marihuana Safety Compliance Facility Permits: [zero]
 - 6. Marihuana Secure Transporter Permits: [zero]
 - 7. Marihuana Retailer Permits: [zero]
 - 8. Marihuana Microbusiness: [zero]
 - 9. Excess Marihuana Grower Permits: [zero]
 - 10. Designated Consumption Establishment: [zero]
 - 11. Marihuana Event Organizer: [zero]
 - 12. Temporary Marihuana Event: [zero]
- B. No Person shall operate a Marihuana Establishment at any time and at any location within the Township unless a Permit for a Marihuana Establishment for that person at that location has been issued under this Ordinance. Marihuana Establishments shall operate only as expressly allowed under this Ordinance;
- C. The Township Board may review and amend the above maximums by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or nonrenewal of a Permit previously issued.

SECTION 5. APPLICATION FOR MARIHUANA ESTABLISHMENT

- A. An Application must be submitted for every single Permit or Establishment type which may be operated within the Township. A new Permit Application fee is \$5000.00. An Application for a Permit for an Establishment shall be submitted to the Township Clerk and shall contain the following information:
 - 1. The name, home address, phone number and e-mail address, and valid unexpired driver's license or state issued ID for the Applicant, and all other owners, partners, directors, officers and managers;
 - 2. Documentation showing the Applicant's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property as a Marihuana Establishment.

3. If the Applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, it shall indicate its legal status;
 4. A depiction of any proposed text or graphic materials to be shown on the building or premises;
 5. A description of the type of Establishment(s) proposed;
 6. The anticipated or actual number of employees;
 7. A description and plan of all equipment and methods that will be employed, including those to stop any impact to adjacent uses and assurances that no nuisance odor will be detectable at the property line of the Permitted Property;
 8. A security plan including a general description of the security systems(s);
 9. A description by category of all products proposed to be sold and Material Safety Data Sheets for any nutrients, pesticides, and other chemicals proposed for use in the Marihuana Establishment;
 10. A plan for the disposal of Marihuana and related byproducts that will be used at the Establishment;
 11. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application. Upon request, the applicant must provide the township with copies of documents they are required to submit to the State of Michigan under MRA administrative rules. Information obtained from the Applicant or Permit Holder is exempt from public disclosure under state law.
- B. Any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.

SECTION 6. CO-LOCATIONS AND STACKED LICENSES

- A. Subject to the number and types of licenses available under this Ordinance, co-location with certain Commercial Medical Marihuana Facilities and Adult-Use Establishments may be allowed.
1. A Grower Facility or Processor Facility may operate from within a single facility also operating with a Marihuana Grower or Marihuana Processor, operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 2. A Marihuana Grower or a Marihuana Processor, may operate from within a single facility operating pursuant to the MRTMA and applicable rules promulgated by the Department.
 3. Co- location of Establishment Permits is permitted under applicable rules and regulations of the Department.
- B. An Applicant for a grower establishment may apply to stack another grower permit at the Establishment or Permitted Premises. The Applicant shall be subject to the same requirements as a renewal permit application, including payment of a separate application fee for each stacked permit. Permits or Licenses may only be stacked consistent with state law and the rules and regulations promulgated by the Department.

SECTION 7. RENEWAL APPLICATION The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. The fee for a renewal application shall be \$2,000. Renewal Applications shall be submitted to and received by the Township Clerk not less than ninety (90) days prior to the expiration of the annual Permit. A Permit Holder whose Permit expires without renewal shall be deemed to have forfeited the Permit under this Ordinance. The Township may not accept Renewal Applications after the expiration date of the Permit.

SECTION 8. TRANSFER APPLICATION

- A. The Permittee may submit an application to the Clerk to transfer the license. The Permittee must provide verification of state approval and indicate the names and contact information of the proposed permittee(s). Permittee may transfer the permit issued upon receiving written approval from the Clerk. The Fee for a permit transfer application is \$2,000.00.

- B. The same requirements and that apply to all new applications for a permit apply to all applications to transfer, sell, or otherwise convey an existing permit. The current permit holder must provide a statement that authorizes the proposed transfer to the transferee.
- C. No Permit Holder shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the entity holding the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Board after submitting a transfer application.
- D. The following actions constitute transfer of ownership and require a transfer application, application fee, and Township Board approval:
 - 1. Persons. Any transfer of more than 1% of an ownership interest in an Applicant or Permit Holder between Persons constitutes a transfer of ownership.
 - 2. Corporations. Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership.
 - 3. Limited Liability Companies. Any transfer of more than 1% of membership interest or any change in managing members or change in the interest held by any managing members(s) of any limited liability company holding a Permit constitutes a transfer of ownership.
 - 4. Partnerships. Any transfer of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership.
 - 5. Assets. Any transfer of more than 1% of the assets held by an Applicant or Permit Holder within the Township constitutes a transfer of ownership.
- E. Any unauthorized transfer or attempted transfer of a Permit or ownership interest by a Permit Holder constitutes a violation of this Ordinance.
- F. Immediately following the approval of a transfer by the Township Board, the transferee(s) will obtain all the interests, rights, obligations, and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated.

SECTION 9. AMENDMENTS TO APPLICATIONS If, prior to the approval of an Application, an individual Applicant wishes to substitute a different Person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Township Board to amend the Application. Upon approval by the Township Board, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required for a new Permit under this Ordinance. The Township Board may set a fee by resolution for such a change.

SECTION 10. DUTY TO SUPPLEMENT

- A. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MRTMA, or any rule or regulation promulgated thereunder, changes in any way from what is stated in the Application, the Applicant or Permit Holder shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
- B. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge or indictment, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, the Permit Holder, or any owner, officer, partner, director, manager, or employee within ten (10) days of the date when the Applicant, Permit Holder, owner, officer, partner, director, or manager has notice of the event.

- C. An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge or indictment, and any criminal conviction, whether a felony, misdemeanor, or any violation of a local law or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marihuana, the Michigan Medical Marihuana Act, the MMFLA, the MRTMA, any building, fire, health, or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marihuana by the Applicant, Permit Holder, any owner, officer, partner, director, manager, or employee within (10) ten days of the date when the Applicant, Permit Holder, any owner, principal officer, director, or manager has notice of the event.

SECTION 11. OPERATIONAL REQUIREMENTS–MARIHUANA ESTABLISHMENT A Marihuana Establishment issued a Permit under this Ordinance and operating in the Township shall comply with the following requirements, which the Township Board may review and amend from time to time as it determines reasonable.

- A. Each Marihuana Establishment must hold a valid local Permit and a valid Michigan Marihuana Establishment License under the MRTMA for the type of Marihuana Establishment intended to be carried out on the Permitted Property. The Establishment operator, owner, Licensee or Permit Holder must have documentation available that demonstrates full compliance with all local and State sales tax requirements, including holding any permits or licenses, if applicable.
- B. Each Marihuana Establishment shall be operated from the Permitted Premises on the Permitted Property. No Establishment shall be permitted to operate from a moveable, mobile, or transitory location, except for a Permitted and Licensed Marihuana Secure Transporter when engaged in the lawful transport of Marihuana. No person under the age of eighteen (18) shall be allowed to enter the Permitted Premises without a parent or legal guardian.
- C. Security. Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:
 - 1. Security surveillance cameras shall be installed to monitor all entrances of the Marihuana Establishment, along with the interior and exterior of the Permitted Premises. Recordings from these cameras shall be kept for 14 days and made available to any law enforcement agency upon request for inspection;
 - 2. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - 3. A locking vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Establishment overnight, except for Marihuana actively grown in a Grower Establishment; and
 - 4. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises.
- D. No Marihuana Establishment shall be located within one-thousand (1000) feet from of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
- E. No Retailer or Microbusiness (if permitted under this Ordinance) shall operate between the hours of 8:00 p.m. and 8:00 a.m., or on any Sunday.
- F. The Establishment’s operation and design shall minimize any impact to adjacent uses.
 - 1. light and glare must not be visible from neighboring properties, adjacent streets, or public rights of ways

2. sounds and vibrations from operations must be undetectable from neighboring properties, adjacent streets, or public right of ways
 3. fumes and odors must be controlled in a manner that renders them undetectable at the property line of the permitted property.
- G. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
- H. The Permit Holder, owner and operator of the Establishment shall use lawful methods in controlling waste and/or by-products from any activities allowed under the License or Permit;
- I. Amount of Marihuana. The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Establishment shall not exceed that amount permitted by the state License or the Township's Permit.
- J. Unpermitted Growing. A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
- K. Use of Marihuana. The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited.
- L. Distribution. No person operating an Establishment shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
- M. Marihuana may be transported by a Marihuana Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:
1. By Persons who are otherwise authorized by state law to transport Marihuana;
 2. In a manner consistent with all applicable state laws and rules, as amended;
 3. In a secure manner designed to prevent the loss of the Marihuana;
 4. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words "Marihuana," "cannabis" or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase, or symbol indicating or tending to indicate that the vehicle is transporting Marihuana;
 5. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.
- N. The Township Board may impose such reasonable terms and conditions on a Marihuana Establishment as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable laws and regulations.

SECTION 12. PENALTIES AND CONSEQUENCES FOR VIOLATION:

- A. Any person in violation of any provision of this ordinance shall be responsible for a municipal civil infraction. The fine for this infraction shall be \$500. Each day this ordinance is violated shall be considered as a separate violation. The procedures and authorities for enforcement of this and other civil ordinances are outlined in the Municipal Civil Infractions Ordinance.
- B. The Clerk may also, after notice and public hearing, revoke or suspend a Permit.

SECTION 13. SEVERABILITY The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 14. REPEAL The Mancelona Township Prohibition of Marihuana Establishments Ordinance 19-18, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 15. EFFECTIVE DATE This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

MANCELONA TOWNSHIP – ORDINANCE CERTIFICATION

At a regular meeting of the Mancelona Township Board, Antrim County, Michigan, held at the Mancelona Township Hall located at 9601, South M-88 Hwy., Mancelona, Antrim County, Michigan on March 15, 2021, at 6:00p.m.:

PRESENT: Michael Biehl, Jessie Ayoub, Chuck Johnson, Donna Gundle-Krieg, Rod Vesey

ABSENT: none.

Ordinance No. 20, the Mancelona Township Michigan Regulation and Taxation of Marihuana Ordinance, was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YEAS: Jessie Ayoub, Chuck Johnson, Donna Gundle-Krieg,

NAYS: Michael Biehl, Rod Vesey

I, MICHAEL BEIHL, Clerk of the Township of Mancelona, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County Review on March 25, 2021 and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.

MICHAEL BEIHL, TOWNSHIP CLERK