

**FIFE LAKE TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
(Ordinance No. 2021-1-MMF-600)**

At a regular scheduled meeting of the Township Board for Fife Lake Township held at the Fife Lake Township Hall, 134 Morgan Street, Fife Lake, MI 49633 on March 25, 2021, the following Ordinance was offered for adoption by Township Board Member Gibson and was seconded by Township Board Member Street:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FIFE LAKE TOWNSHIP BY ENACTING A NEW ARTICLE 600 ENTITLED "MARIHUANA LICENSING."

THE TOWNSHIP OF FIFE LAKE (the "Township") ORDAINS:

Section 1. Enacting of Article 600. Article 600 of the Code of Ordinances for Fife Lake Township entitled "Marihuana Licensing" is hereby enacted and reads in its entirety as follows:

Article 600 Marihuana Licensing.

Chapter 601 Medical Marihuana.

601.1 General.

Fife Lake Township finds that it is in the public interest to allow the licensing and operation of certain medical marihuana facilities within its boundaries in a manner consistent with this Chapter and the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

601.2 Purpose.

The purpose of this Chapter is to establish standards for the licensing of certain medical marihuana facilities within the Township. It is the Township's intent, subject to conditions, to allow the licensing and operation of certain medical marihuana facilities within its boundaries in order to:

- A. Promote the safe and regulated cultivation, processing, storage, and sale of medical marihuana;
- B. Provide safe access to medical marihuana for licensed medical marihuana patients;
- C. Discourage the sale of unsafe or unlicensed marihuana products;
- D. Preserve and protect the health, safety, and welfare of the residents of the

Township and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and

- E. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of medical marihuana facilities within the Township will be governed.

601.3 Definitions.

- A. Terms not defined in this Chapter will be defined pursuant to the Medical Marihuana Facilities Licensing, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.
- B. Terms not defined in this Chapter or in the Act will be defined pursuant to the administrative rules regarding marihuana facilities as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
- C. For the purpose of this Chapter, the following definitions will apply unless the context clearly indicates or requires otherwise:
 - (1) “Act” means the Medical Marihuana Facilities Licensing, PA 281 of 2016 (MCL 333.27101, *et seq.*), as amended.
 - (2) “Marihuana facility” means marihuana facility as defined in the Act.
 - (3) “Township license” means a Township marihuana facility license issued under this Chapter.
 - (4) “State operating license” means a marihuana facility operating license granted by the state of Michigan pursuant to the Act.
 - (5) “Township Code Enforcement Officer” means the Township Supervisor or any other individual responsible for the enforcement of this Chapter as designated by the Township Board.

601.4 Authorized Marihuana Facilities.

- A. Unless specifically authorized and licensed under this Chapter, marihuana facilities are prohibited within the Township.
- B. Operation of a marihuana facility requires a valid State operating license and Township license.
- C. Marihuana facilities must be operated in compliance with all Township regulatory and zoning ordinances, rules, and regulations.

- D. Marihuana facilities must be operated in compliance with all State laws, rules, and regulations.
- E. Township licenses for the following types of marihuana facilities may be granted for operation within the Township at any one time:
 - (1) Grower (of any class): 4
 - (2) Processor: 2
 - (3) Provisioning Center: 2
- F. This Chapter does not apply to or regulate any protected patient or caregiver conduct under the Michigan Medical Marihuana Act, PA 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
- G. A Township license is a revocable privilege granted by the Township and is not a property right. The application for or granting of a Township license under this Chapter does not create or vest any right, title, franchise, or other property interest.

601.5 Licensing Application.

- A. All applications for a Township license will be filed with the Township Clerk utilizing and complying with the Township application, forms, and processes, as adopted from time to time by resolution of the Township Board.
- B. Neither the application for a Township license nor the granting of Township license may be made until the applicant has been granted state of Michigan “prequalification” status.
- C. Applications may only be accepted during the application window as determined from time to time by resolution of the Township Board.
- D. As part of the application process, the applicant may be required to provide any information required by the Act and any other information reasonably deemed by the Township to be required for the consideration of a Township license.
- E. The issuing of a Township license under this Chapter is at the sole discretion of the Township Board. The Township Board will utilize the requirements of this Chapter, the Township Zoning Ordinance, and the rules and licensing rubric published at the opening of the application window when making licensing determinations.
- F. No Township license may be issued if the number of active Township licenses allowed under this Chapter have been previously met.

- G. All Township licenses expire 365 calendar days from the date of issue.
- H. The Township Clerk will assess an initial non-refundable license application fee in the amount set from time to time by resolution of the Township Board. No application will be accepted without the full payment of the required fee.
- I. Upon the granting of authorization for a Township license, the Township Clerk will assess a non-refundable licensing fee in the amount set from time to time by resolution of the Township Board. No Township license will be issued without the full payment of the required fee. Failure to pay the licensing fee in full within ten days of eligibility will be considered a refusal of the Township license.
- J. No Township license will be issued to an applicant in default to the Township.

601.6 License Renewal.

- A. All applications for the renewal of a Township license will be filed with the Township Clerk utilizing and complying with the Township application, forms, and processes, as adopted from time to time by resolution of the Township Board.
- B. Neither the application for the renewal of a Township license nor the renewal of a Township license may be made unless the applicant-licensee has a valid State operating license for the marihuana facility seeking the Township license renewal. The requirements of this paragraph B do not apply to the first annual renewal of a Township license.
- C. Township license renewal applications must be submitted to the Township Clerk no later than 30 days before the Township license expires. Late applications will be subject to a late fee as determined from time to time by resolution of the Township Board.
- D. As part of the license renewal process, the applicant-licensee may be required to provide any information required by the Act and any other information reasonably deemed by the Township to be required for the consideration of a Township license.
- E. The Township Clerk will renew a Township license if the applicant-licensee complies with the requirements of this Chapter. Prior violations of this Chapter are grounds to deny the renewal of a Township license. The Township Clerk will state in writing the grounds for any denial of a Township license renewal.
- F. All Township licenses will expire 365 calendar days from the date of renewal.

- G. The Township Clerk will assess a non-refundable License renewal fee in the amount set from time to time by resolution of the Township Board. No renewal application will be accepted without the full payment of the required fee.
- H. Upon the granting of authorization for the renewal of a Township license, the Township Clerk will assess a non- refundable licensing fee in the amount set from time to time by resolution of the Township Board. No Township license will be issued without the full payment of the required fee. Failure to pay the license renewal fee in full within ten calendar days of eligibility will be considered a refusal of the Township license.
- I. No Township license renewed if the applicant-licensee is in default to the Township.

601.7. Licensing Requirements.

- A. No applicant that has done business or purported to do business without first obtaining the necessary Township license, State operating licenses, and necessary approvals and permits will be eligible for licensing under this Chapter.
- B. All marihuana facilities are subject to inspection, with or without notice, at any time, by the Township Code Enforcement Officer and Zoning Administrator (and their designees).
- C. At all times, marihuana facilities must comply with all applicable rules, standards, laws, ordinances, and regulations promulgated by the Township, the state of Michigan, or any entity thereof.
- D. Each Township license is issued exclusively to the licensee and any interest in a Township license is not transferable except as provided herein. The stockholders of a corporation, members of a limited liability company (LLC), and partners of a limited partnership may transfer their interest in a Township license to any other stockholders, members, or partners who are approved by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency. Any change in ownership must be reported to the Township within 10 calendar days. Any previous transfer of an interest in Township license that complies with the terms of this Paragraph D is deemed to have been valid
- E. Township licenses must be displayed at the licensed marihuana facility in a manner clearly visible to the public.
- F. The issuance of a Township license under this Chapter is in addition to, and not in lieu of, any other licensing or permitting required by Township, the state of Michigan, or any entity thereof.

- G. There is a continuing duty for applicants and licensees to provide the Township updated documentation within ten calendar days of any changes being made.
- H. Applicants and licensees must self-report any violations or citation issued by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency within ten calendar days of the issuance of any violation or citation.

601.8 Licensing Terms.

- A. Odor Emissions.
 - 1. All marihuana facilities must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the marihuana facility outside of the marihuana facility.
 - 2. Negative air pressure must be maintained inside the marihuana facility.
- B. All marihuana cultivation must take place inside of an enclosed structure.
- C. No light used for the cultivation of marihuana may be visible from outside the enclosed structure in which the cultivation takes place.
- D. Provisioning centers are only permitted to be open to the public on Monday - Saturday between 8:00 am - 8:00 pm and on Sunday between 12 pm - 6pm.

601.9 License Revocation.

- A. A Township license may be revoked by Township Code Enforcement Officer for any of the following reasons if the Township Code Enforcement Officer finds revocation to be in the best interest of the Township:
 - 1. Fraud or misrepresentation contained in the State license or Township license applications.
 - 2. Violation of the Act, or any rules, regulations, or terms of licensure as promulgated by the state of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
 - 3. Loss of or failure to maintain a valid State operating license.
 - 4. Violation of this Chapter, or any rules, regulations, or terms of licensure promulgated by the Township Board.

5. Violation of the Township Zoning Ordinance.
 6. Conducting business in such a way as to constitute a menace to the health, safety, or general welfare of the public.
- B. Prior to revocation, the Township Code Enforcement Officer will hold a meeting with the licensee at which the licensee will be afforded an opportunity to be heard and present all relevant evidence.

601.10 Appeals.

- A. Any applicant who is denied a Township license, applicant-licensee whose Township license is not renewed by the Township Clerk, or a licensee whose Township license is revoked by the Township Code Enforcement Officer may appeal such decision to the Township Board. The appeal must be submitted to the Township Clerk within 30 calendar days of the denial, denial of renewal, or revocation; be in writing; and clearly state the basis for the appeal.
- B. The Township Board will hold a public hearing to consider the appeal. The appellant will be afforded an opportunity to be heard and present all relevant evidence.
- C. The Township Board has the final review authority over any appeal brought before it.
- D. No marihuana facility whose Township license has been denied or revoked is permitted to conduct business while an appeal is pending. The conducting of business includes, but is not limited to, being open to the public, and the cultivation, processing, testing, and sale of marihuana. However, such marihuana facility may take the necessary steps to prevent the spoilage of current inventory.
- E. The completion of the administrative appeals process under this Section 601.10 is required prior to the appellant filing any action in a court of law.
- F. The Township Board may adopt, via resolution, rules governing the appeals process.

601.11 Prior Conditional Permits and Licenses.

- A. All Township conditional permits and licenses issued under Ordinance Nos. MMFO-2019-2, as amended; MMFO-2019-1, as amended; or MMFO-2018-1, as amended are deemed to be Township licenses under this Chapter (regardless of prequalification or site plan approval) and will remain valid for 365 calendar days from their original date of issue. The validity of such Township licenses may be further until December 31, 2021 at 11:59 pm through the payment of a prorated licensing fee (calculated based on the licensing fee schedule adopted by the

Township Board). Such payment must be made prior to the expiration of the Township license.

- B. If a conditional permit or license issued under Ordinance Nos. MMFO-2019-2, as amended; MMFO-2019-1, as amended; or MMFO-2018-1, as amended expired prior to the effective date of this Chapter, such conditional permit or license is deemed to be a Township license under this Chapter (regardless of prequalification or site plan approval) and will be valid for an additional 45 calendar days following the effective date of this Chapter. The validity of such Township licenses may be further extended until December 31, 2021 at 11:59 pm through the payment of a prorated licensing fee (calculated based on the licensing fee schedule adopted by the Township Board). Such payment must be made within 45 calendar days following the effective date of this Chapter.
- C. All Township conditional permits and licenses issued under Ordinance Nos. MMFO-2019-2, as amended; MMFO-2019-1, as amended; or MMFO-2018-1, as amended now deemed to be Township licenses under this Chapter are, unless otherwise stated in this Section 11, subject to the terms and conditions of this Chapter.

601.12 Violations and Penalties.

- A. Any applicant or licensee who violates this Chapter will be responsible for a municipal civil infraction and is subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
- B. Each day that a violation continues will constitute a different violation.
- C. Any violation of this Chapter is declared to be a nuisance per se.
- D. Nothing in this Chapter precludes the Township from pursuing any other remedies available at law or equity

601.13 Enforcement.

The Township Code Enforcement Officer is authorized to enforce this Chapter.

Chapter 602 Recreational Marihuana

602.1 General.

The Township finds that it is in the public interest to prohibit the licensing and operation of recreational marihuana establishments within its boundaries.

602.2 Definitions.

- A. Terms not defined in this Chapter will be defined pursuant to the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*) as amended.
- B. Terms not defined in this Chapter or in the Act will be defined pursuant to the administrative rules regarding marihuana establishments as amended and promulgated by the State of Michigan Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency or its successor agency.
- C. For the purpose of this Chapter, the following definitions will apply unless the context clearly indicates or requires otherwise:
 - (1) “Act” means the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.
 - (2) “Marihuana establishment” means marihuana establishment as defined in the Act.
 - (3) “Township Code Enforcement Officer” means the Township Supervisor or any other individual responsible for the enforcement of this Chapter as designated the Township Board.

602.3 Prohibition.

Pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended, all marihuana establishments are prohibited within the boundaries of Fife Lake Township.

602.4 Violations and Penalties.

- A. Any individual or entity who violates this Chapter will be responsible for a municipal civil infraction and is subject to a civil fine not to exceed \$500 plus any other costs permitted by law for each violation.
- B. Each day that a violation continues will constitute a different violation.
- C. Any violation of this Chapter is declared to be a nuisance per se.
- D. Nothing in this Chapter precludes the Township from pursuing any other remedies available at law or equity.

602.5 Enforcement.

The Township Code Enforcement Officer is authorized to enforce of this Chapter.

Section 2. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the Act or any other State law.

Section 3. Repealer. Ordinance Nos. MMFO-2019-2, as amended; MMFO-2019-1, as amended; MMFO-2018-1, as amended; and RMEO-2019-3, as amended are hereby repealed.

Section 4. Savings Clause. The provisions of this Ordinance are severable. If any article, chapter, paragraph, sentence, or clause is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Ordinance.

Section 5. Effective Date. This Ordinance will become effective 30 calendar days following its publication in the manner required by law.

YEAS: 4

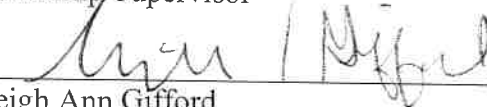
NAYS: 0

ABSENT/ABSTAIN: 1-Zimmerman-Absent

ORDINANCE DECLARED ADOPTED.



Gerianne Street
Township Supervisor



Leigh Ann Gifford
Township Clerk

CERTIFICATION

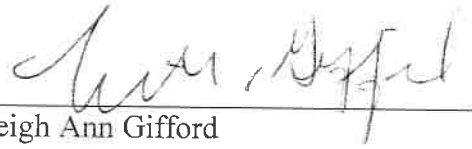
It is hereby certified that the foregoing Ordinance was adopted by the Township Board for Fife Lake Township, Grand Traverse County, Michigan, at a meeting of the Township Board duly called and held on March 25, 2021

Adopted: March 25, 2021

Published: April 4, 2021

Effective: May 4, 2021

By:

A handwritten signature in cursive script, appearing to read "Leigh Ann Gifford", written over a horizontal line.

Leigh Ann Gifford
Township Clerk

2021
Judge Lake Trust
(see attached)

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN
County of Grand Traverse

Paul Heibreder being duly sworn deposes and says the annexed printed copy of notice was taken from the Traverse City RECORD EAGLE, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following dates:

04/04/2021

that he or she is the agent of the printers of said newspaper, and knows well the facts stated herein



Subscribed and sworn to before
this 5th of April, 2021 .



Denise A. Lingerfelt
Notary Public, State of MI
County of Grand Traverse
09/28/2023
Acting in County of Grand Traverse

NOTICE OF ORDINANCE ADOPTION AND SYNOPSIS OF ORDINANCE

PUBLIC NOTICE IS GIVEN that at a regular scheduled meeting held on Mar 2021, the Township Board for Fife Lake Township adopted Ordinance No. 2021-1-MMF entitled:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FIFE LAKE TOWNSHIP BY ENACTING A NEW ARTICLE 600 ENTITLED "MARIHUANA LICENSING."

The effect of Ordinance No. 2021-1-MMF is summarized as follows:

Section 1. **Enacting of Article 600.** Enacts Article 600 of the Code of Ordinances for Fife Lake Township entitled "Marihuana Licensing."

Article 600 pertains to MARIHUANA LICENSING.

Chapter 601 pertains to MEDICAL MARIHUANA.

Section 601.1. **GENERAL.** States that the Township finds it to be in the interest to allow the licensing and operation of certain medical marihuana facilities.

Section 601.2. **PURPOSE.** States the Township's purpose for licensing certain medical marihuana facilities.

Section 601.3. **DEFINITIONS.** Provides definitions to be used throughout Chapter.

Section 601.4. **AUTHORIZED MARIHUANA FACILITIES.** Provides requirements for the lawful operation of medical marihuana facilities; lists medical marihuana facility license types; limits the number of licenses authorized to be issued; implements licensing restrictions; and states that a license is a revocable privilege granted by the Township and is not a property right.

Section 601.5. **LICENSING APPLICATION.** Describes the licensing application process; prerequisites; oversight; administration; and enforcement; describes the process for setting fees; limits the term of a license; provides that the issuing of licenses is at the discretion of the Township Board; and requires state of Michigan "pre-qualification" prior to the application for or the issuing of a license.

Section 601.6. **LICENSE RENEWAL.** Describes the process and requirements for renewing a license and for setting renewal fees.

Section 601.7. **LICENSING REQUIREMENTS.** Provides licensee eligibility requirements; licensing restrictions; and additional requirements for the operation of medical marihuana facilities.

Section 601.8. **LICENSING TERMS.** Provides odor emissions standards; requires cultivation to take place inside an enclosed structure; prohibits certain light from being visible from the outside; and establishes the permitted hours of operation.

Section 601.9. **LICENSE REVOCATION.** Provides that the Township Code Enforcement Officer may revoke a license; states the basis upon which a license may be revoked; and provides for processes related to the revocation of a license.

Section 601.10. **APPEALS.** States the conditions and the manner in which appeals may be made and grants the Township Board final authority over an appeal brought before it.

Section 601.11. **PRIOR CONDITIONAL PERMITS AND LICENSES.** Addresses the treatment of all Township conditional permits and licenses previously issued under former ordinances.

Section 601.12. **VIOLATIONS AND PENALTIES.** Provides penalties for the violation of Chapter 601. Penalties include a municipal civil infraction a fine not to exceed \$500; each day that a violation continues constitutes a different violation; violations are declared a nuisance per se and the Township may pursue all remedies at law or equity.

Section 601.13. **ENFORCEMENT.** Authorizes the Township Code Enforcement Officer to enforce this Chapter.

Chapter 602 pertains to RECREATIONAL MARIHUANA.

Section 602.1. **GENERAL.** States that the Township finds it to be in the public interest to prohibit the licensing and operation of all recreational marihuana establishments.

Section 602.2. **DEFINITIONS.** Provides definitions to be used throughout Chapter.

Section 602.3. **PROHIBITION.** Prohibits all recreational marihuana establishments in the Township.

Section 602.4. **VIOLATIONS AND PENALTIES.** Provides penalties for the violation of Chapter 602. Penalties include a municipal civil infraction a fine not to exceed \$500; each day that a violation continues constitutes a different violation; violations are declared a nuisance per se and the Township may pursue all remedies at law or equity.

addresses the treatment of an Township Ordinance previously issued under former ordinances.

Section 601.12. VIOLATIONS AND PENALTIES. Provides penalties for the violation of Chapter 601. Penalties include a municipal civil infraction and fine not to exceed \$500; each day that a violation continues constitutes a different violation; violations are declared a nuisance per se and the Township may pursue all remedies at law or equity.

Section 601.13 ENFORCEMENT. Authorizes the Township Code Enforcement Officer to enforce this Chapter.

Chapter 602 pertains to RECREATIONAL MARIHUANA.

Section 602.1. GENERAL. States that the Township finds it to be in the public interest to prohibit the licensing and operation of all recreational marihuana establishments.

Section 602.2. DEFINITIONS. Provides definitions to be used throughout the Chapter.

Section 602.3. PROHIBITION. Prohibits all recreational marihuana establishments in the Township.

Section 602.4. VIOLATIONS AND PENALTIES. Provides penalties for the violation of Chapter 602. Penalties include a municipal civil infraction and fine not to exceed \$500; each that a violation continues constitutes a different violation; violations are declared a nuisance per se and the Township may pursue all remedies at law or equity.

Section 602.5. ENFORCEMENT. Authorizes the Township Code Enforcement Officer to enforce this Chapter.

Section 2. CONFLICT. Provides that nothing in this Ordinance shall conflict with other Township ordinances, except as otherwise stated, and nothing in this Ordinance shall conflict with the laws of the state of Michigan.

Section 3. REPEALER. Repeals ordinance nos. MMFO-2019-2, as amended MMFO-2019-1, as amended; MMFO-2018-1, as amended; and RMEO-2019-3, as amended.

Section 4. SAVINGS CLAUSE. Provides that provisions of the Ordinance are severable, and if one provision is declared void it will not affect the remainder of the Ordinance.

Section 5. EFFECTIVE DATE. Provides that this Ordinance shall become effective upon the expiration of 30 days after its publication as required by law.

THIS ORDINANCE SHALL BE EFFECTIVE THROUGHOUT FIFE LAKE TOWNSHIP

A TRUE AND COMPLETE COPY OF THIS ORDINANCE MAY BE OBTAINED, INSPECTED, COPIED, OR REVIEWED AT THE TOWNSHIP CLERK'S OFFICE AS FOLLOWS.

Location: 134 Morgan Street, Fife Lake, MI 49633.
Hours of operation: By Appointment
Contact information: (231) 879-3963

Respectfully submitted,

Leigh Ann Gifford
Township Clerk

April 4, 2021-1T

564313