

SOMERSET TOWNSHIP ORDINANCE NO. _____

AS AMENDED _____

“MEDICAL MARIHUANA FACILITIES LICENSING AND REGULATIONS”

AN ORDINANCE OF SOMERSET TOWNSHIP, HILLSDALE COUNTY, MICHIGAN, TO ESTABLISH LAND USE AND ZONING REQUIREMENTS; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF SOMERSET TOWNSHIP; TO SET LICENSING FEES FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

SOMERSET TOWNSHIP ORDAINS:

- Section 1 Legislative Intent.
- Section 2 Definitions, Interpretation and Conflicts.
- Section 3 Operation without License Prohibited.
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SECTION 1. LEGISLATIVE INTENT.

The purpose of this Ordinance is to exercise the police regulatory and land use powers of Somerset Township by licensing and regulating, Adult Use Marihuana Grower Facilities to the extent permissible under State of Michigan and federal laws and regulations and to protect the public health, safety and welfare of the residents of Somerset Township; and as such, this Ordinance constitutes a public purpose.

The Township finds that the activities described in this Ordinance are significantly connected to the public health, safety, security and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

It is not the intent of this Ordinance to diminish, abrogate or restrict the protections for medical use of Marihuana found in the _____ Licensing Act.

SECTION 2. DEFINITIONS, INTERPRETATION AND CONFLICTS.

For the purposes of this Ordinance:

- (A) Any term defined by the _____, shall have the definition given in the _____, as amended, or the _____ Licensing Act, as amended. If the definition of a word or phrase set forth in this Chapter conflicts with the definition in the _____ or the _____ Facilities Licensing Act, or if a term is not defined but is defined in the _____ or the _____ Facilities Licensing Act, then the definition in the _____ or the _____ Facilities Licensing Act shall apply.
- (B) Any term defined by 21 USC 860(E) referenced in this Ordinance shall have the definition given by 21 USC 860(E).
- (C) This Ordinance shall not limit an individual's or entity's rights under the _____ or the _____ Marihuana Facilities Licensing Act. The _____ and the _____ Marihuana Facilities Licensing Act supersede this Ordinance where there is a conflict between them.
- (D) All activities related to Marihuana, including those related to a Adult Use Marihuana Grower Facilities, shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of Somerset Township,
- (E) Any use which purports to have engaged in the cultivation of Marihuana either prior to or after enactment of this Ordinance but without obtaining the required licensing set forth in this Ordinance, shall be deemed to not be a legally established use and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or state law. The Township finds and determines that it has not heretofore authorized or licensed the existence of any Adult Use Marihuana Grower Facility, as defined herein, in the Township.
- (F) The following terms shall have the definitions given:

"Ordinance" means this Ordinance.

"Township" means Somerset Township, Michigan.

"Enclosed Locked Facility" means a closet, room, or other comparable, stationary, and fully enclosure, equipped with secured locks or other functioning security devices. Marihuana Plants grown outdoors are considered to be in an Enclosed Locked Facility if they 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 similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground and _____ as defined in the _____.

"Grower", "Grower Facility" or Adult Use Marihuana Grower Facilities means a commercial entity that cultivated, dries, trims or cures and packages Marihuana for sale to a Processor or Provisioning Center.

"License Application" refers to the requirements and procedures set forth in Sections 4 and 5.

"Marihuana Plant(s)" means any plant of the species Cannabis Sativa L.

"Marihuana" means that term as defined in section 7106 of the Public Health code, 1978 PA 368, MCL 333.71063

"Medical Marihuana Facility(ies)" means any facility, establishment and/or center that is required to be licensed under this Ordinance, for Grower.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity. _____

"Restricted/Limited Access Area" means a building, room or other area under the control of the licensee with access governed by the _____ or other applicable state law.

"Stakeholder" means with respect to a trust, the beneficiaries, with respect to a limited liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

"State" means the State of Michigan.

- (G) Any term defined by the _____ or the Medical Marihuana Facilities Licensing Act and not defined in this Chapter shall have the definition given in the _____ or the _____ Marihuana Facilities Licensing Act.

SECTION 3. LICENSE ALLOCATION AND ANNUAL FEES.

- (A) No Person shall operate an Adult Marihuana Grower Facility, in Somerset Township without first obtaining a license to do so from the Township MM Administrative/Compliance Officer and the State of Michigan. The Township Adult Use Marihuana Grower Facilities Administrative / Compliance Officer, after approval from the Board of Trustees. Effective _____2021 the number of Growers licenses shall be limited to no more than six (6) licenses. Any Grower license previously issued by the Township shall remain valid and any reduction of these licenses shall be by attrition. The term of each license shall be one (1) year.
- (B) The non-refundable application fee for an Adult Use Marihuana Grower Facilities license shall be established by the Township Board of Trustees by resolution.

SECTION 4. LICENSE APPLICATIONS SUBMISSION.

- (A) Application for each Adult Use Marihuana Grower Facility license required by this Ordinance shall be made in writing to the Township Adult Use Marihuana Grower Facilities Administrative / Compliance Officer, and must be approved by the Board of Trustees, and approved by the State of Michigan, prior to commencing operation. Upon the expiration of an existing license, a license will be automatically renewed by Somerset Township for one (1) year if: (1) there are no uncured administrative violations in the prior year; (2) the applicant has paid the annual licensing fee for the renewal period; (3) any Stakeholder changes have been fully disclosed to Somerset Township; and (4) the applicant has paid and received the renewal of its state license.
- (B) An application for a Adult Use Marihuana Grower Facility license required by this Ordinance shall contain the following:
 1. The appropriate non-refundable application fee and the refundable licensee fee in the amount per Section 3. (B);
 2. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;
 3. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each Stakeholder/shareholder/member of the applicant, including designation of the highest ranking Stakeholder/shareholder/member as an emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation or;

4. The name and address of the proposed Adult Use Marihuana Grower Facilities and any additional contact information deemed necessary by the Township Adult Use Marihuana Grower Facilities Administrative / Compliance Officer;
5. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least eighteen (18) years of age and have never been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration;
6. Before hiring a prospective agent or employee of the applicant, and after, the holder of a License shall conduct a background check of the prospective employee. If the background check indicated a pending charge or conviction within the past ten (10) years for a controlled substance related felony, the applicant shall not hire the prospective employee or agent without written permission from the Township Adult Use Marihuana Grower Facilities Administrative / Compliance Officer;
7. A signed release authorizing the Somerset Township Public Safety Department to perform a criminal background check to ascertain whether the applicant, each Stakeholder of the applicant, each managerial employee and employee of the applicant meet the criteria set forth in this Ordinance;
8. The name, date of birth, physical address, copy of photo identification, and email address for any managerial employee or employee of the Adult Use Marihuana Grower Facilities, if other than applicant;
9. An affirmation under oath as to whether the applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;
10. One of the following: (a) proof of ownership of the entire premises wherein the Adult Use Marihuana Grower Facilities is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises;

11. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Adult Use Marihuana Grower Facilities Licensing Act or applicable state laws, covering the Adult Use Marihuana Grower Facilities and naming the Township as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees or subcontractors;
12. description of the security plan for the Adult Use Marihuana Grower Facilities, including, but not limited to, any lighting alarms, barriers, recording/monitoring devices and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;
13. A floor plan of the Adult Use Marihuana Grower Facilities, as well as a scale diagram illustrating the property upon which the Adult Use Marihuana Grower Facilities is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;
14. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the Township. Specifically, that the applicant or Stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the Township;
15. An affidavit that the transfer of Marihuana to and from Adult Marihuana Grower Facility Facilities shall be in compliance with the MMMA and the Medical Marihuana Facilities Licensing Act or other applicable state laws;
16. A staffing plan;
17. Any proposed text or graphical materials to be shown on the exterior of the proposed Medical Marihuana Facility;
18. A patient education plan;
19. A business plan;
20. A location area map of the Adult Use Marihuana Grower Facilities and surrounding area that identifies the relative locations and the distances.
 - a. Separation Distance Measurement as required in Sections 11 and 12

1. Measurements will be conducted from the designated main/public entrance door perpendicular to the road that the facility is addressed on. From this perpendicular point along the centerline of the road(s) a distance will be measured to the perpendicular point of the facility. The centerline measurement will be conducted utilizing the shortest centerline route to the facility. From the facility perpendicular point, a measurement will be obtained from the road that the facility is addressed on to the designated main/public entrance. All distances
2. will be added together to determine the required door to door separation distance.
3. In the event the designated main/public entrance of the facility does not front the facilities addressed road, that entrance will be subjected to the perpendicular point requirement/parallel distance alongside of a facility to obtain the shortest perpendicular measurement to the facilities addressed road.
4. Emergency egress doors are not subject to the measurement requirements and must meet all local and State requirements for emergency egress.

21. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;

22. (1) An applicant shall disclose the sources and total amount of capitalization to operate and maintain a proposed marihuana facility.

(2) The total amounts of capitalization based on the type of marihuana facility specified in the application for a state operating license are as follows:

- (a) Grower: Class A - \$150,000.00.
- (b) Grower: Class B - \$300,000.00.
- (c) Grower: Class C - \$500,000.00.

(3) An applicant shall provide proof to the department of the capitalization amounts in sub-rule (2) of this rule from sources as follows:

- (a) Not less than 25% is in liquid assets to cover the initial expenses of operating and maintaining the proposed marihuana facility as specified in the application. For purposes of this subdivision liquid assets include assets easily convertible to cash, including, but not limited to, cash, CDs, 401 (k), stocks and bonds, and marihuana inventory that meet the all the following conditions:

(i) The marihuana inventory is possessed by an applicant who is a registered qualifying patient or registered primary caregiver or by an applicant who applies for a state operating license and possesses marihuana inventory in compliance with the Michigan

(ii) No more than ___ ounces of usable marihuana or ___ marihuana plants may be utilized as marihuana inventory in this subdivision or utilized towards the capitalization requirement under this sub-rule.

(b) Proof of the remaining capitalization to cover the initial expenses of operating and maintaining the proposed marihuana facility may include but is not limited to additional liquid assets as described in subdivision (a) of this sub-rule or equity in real property, supplies, equipment, fixtures or any other nonliquid asset.

(4) The applicant shall provide proof that there is no lien or encumbrance on the asset provided as a source of capitalization.

(5) The capitalization amounts and sources must be validated by CPA-attested financial statements. The applicant shall disclose any of the capitalization sources that are foreign and a foreign CPA or its equivalent shall attest to the validation and a domestic CPA shall attest that foreign validation.

23. As it related to a Grower Facility, the following additional items shall be requested:

I Grower Plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;

II A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;

III An affidavit that all operations will be conducted in conformance with the the Medical Adult Use Marihuana Grower Facilities Licensing Act or other applicable state laws and such operations shall not be cultivated on the premises at any one time more than the permitted number of Marihuana Plants per the Michigan Adult Use Marihuana Grower Facilities Act, as amended, and the _____ Facilities Licensing Act;

IV A chemical and pesticide storage plan that states the names of pesticides to be used in Growers and where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;

V All Grow operations must be performed within an Indoor Enclosed Locked Facility which must be indoors or in an enclosed, secured greenhouse.

(C) Upon receipt of a completed Adult Use Marihuana Grower Facilities application meeting the requirements of this Ordinance and confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to Section 3. (A), the Township MM Administrative/Compliance Officer shall refer a copy of the application to each of the following for their review and approval: the Township Attorney or his designee, the Somerset Township Public Safety Department or their designee, the Building Safety Office or similar Township department, the Zoning Administrator or similar Township official, and the Township Treasurer or their designee.

Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the Township Administrative/Compliance Officer shall forward the applications to the Board of Trustees.

(D) No application shall be approved unless:

- 1 . The Fire Department or designee and the Building Safety Office or similar Township department, have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;
- 2 The applicant, each Stakeholder of the applicant, and the managerial employees and employees of the applicant, have passed a criminal background check conducted by the Somerset Township Public Safety Department;
- 3 The Zoning Administrator, or similar Township official, has confirmed that the proposed location complies with the Zoning Code;
- 4 The Township Treasurer or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the Township;
- 5 The Township Attorney or his designee has completed a detailed review of the Adult Use Marihuana Grower Facilities application for compliance with the applicable state laws and Township Ordinances.

- (E) If written approval is given by each individual or department identified in Subsection (a)-(e), the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer shall submit the application to the Board of Trustees for the issuing of a license to the applicant. All licenses issued are contingent upon the State of Michigan issuing a license for the operation under state law.
- (E) Licensees shall report any other change in the information required by Subsection (b) to the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer within ten (10) days of the change. Fees shall be set by Board Resolution for any Stakeholder added after the original Application is filed.

SECTION 5. LICENSE APPLICATIONS EVALUATION.

- (A) The Board of Trustees will assess all applications.
- (B) In its application deliberations, the Board of Trustees shall assess each application in each of the following categories:
 1. The applicant's experience in operating other similarly licensed businesses.
 2. The applicant's general business management experience.
 3. The applicant's general business reputation.
 4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a Adult Use Marihuana Grower Facilities of the applicant.
 5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
 6. The sources and total amount of the applicant's capitalization to operate and maintain the proposed Adult Use Marihuana Grower Facilities.
 7. Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violation, regardless of whether the offense has been expunged, pardoned, or reversed as appealed or otherwise.

8. Past convictions of the applicant involving any of the following, but limited to:

- a. gambling;
- b. prostitution;
- c. weapons;
- d. violence;
- e. tax evasion;
- f. fraudulent activity; and
- g. serious moral turpitude.
- h. Felony Drug Convictions

9. A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner;

10. Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past seven (7) years;

11. Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state or local law that has been delinquent for one (1) or more years;

12. Whether the applicant has a history of noncompliance with any regulatory requirements in this State or any other jurisdiction;

(C) The Board of Trustees shall assess each application with aforementioned categories Section 5. (B) (1) through (12) and issue a license to the applicant most qualified and meets the most categories in this section.

(1) On and after _____ the Township shall accept applications for authorization to operate a medical marijuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Administrative/Compliance Officer and/or other designee of the Township Board (hereinafter referred to as "Adult Use Marijuana Grower Facilities Administrative / Compliance Officer"). Once the Adult Use Marijuana Grower Facilities Administrative/Compliance Officer receives a complete application including the initial annual medical marijuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marijuana facility within the Township. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Adult Use Marijuana Grower Facilities Administrative/Compliance Officer at any time.

(2) Within thirty days from conditional authorization from the Township or from December 15, 2017, whichever is later, the conditionally authorized applicant must submit proof to the Administrative/Compliance Officer that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Administrative/Compliance Officer and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (1) herein.

(3) If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the Adult Use Marihuana Grower Facilities Administrative/Compliance Officer and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (1) herein.

(4) A conditionally authorized applicant shall receive full authorization from the Township to operate the medical marihuana facility within the Township upon the applicant providing to the Adult Use Marihuana Grower Facilities Administrative/Compliance Officer proof that the applicant has received a state operating license for the medical marihuana facility in the Township and the applicant has met all other requirements of this ordinance for operation including but not limited to any zoning approval for the location of the facility within the Township

(5) If a conditionally authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Adult Use Marihuana Grower Facilities Administrative/Compliance Officer and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (1) herein. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

(6) SECTION 6. LICENSES GENERALLY.

(A) To the extent permissible, all information submitted in conjunction with an application for a license or license renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq. Furthermore, no personal information concerning the applicant shall be submitted to the Board of Trustees.

- (B) Licensees may transfer a license issued under this ordinance to a different location upon receiving written approval from the Township Adult Use Marihuana Grower Facilities Administrative / Compliance Officer. In order to request approval to transfer a license location, the licensee must make a written request to the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer indicating the current license location and the proposed license location. Upon receiving the written request, the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer shall refer a copy of the written request to each of the following for approval: the Public Safety Department or their designee, the Building Safety Office or similar Township department, Zoning Administrator, Township Supervisor, Township Treasurer or its designee, and the Board of Trustees. No license transfer shall be approved unless each such individual or department gives written approval that the licensee and the proposed license location meet the standards identified in this Ordinance.
- (C) Licensees may transfer a license issued under this Ordinance to a different individual or entity upon receiving written approval by the Township Adult Use Marihuana Grower Facilities Administrative / Compliance Officer. In order to request approval to transfer a license to a different individual or entity the licensee must make a written request to the Township MM Administrative / Compliance Officer, indicating the current licensee and the proposed licensee. Upon receiving the written request, the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer shall consider the request as a new application for a license and the procedures set forth in this Ordinance and the Act shall be followed.
- (C) Licensees shall report any other change in the information required by this Ordinance to the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.

SECTION 7. MINIMUM OPERATIONAL STANDARDS OF GROWER FACILITY

The following minimum standards for a Grower Facility shall apply:

- (A) The Grower Facility shall comply at all times and in all circumstances with the _____ Marihuana Act, the _____ Marihuana Facilities Licensing Act, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time.
- (D) The premises shall be open for inspection upon probable cause that a violation of this Ordinance has occurred during the stated hours of operation and at such other times as anyone is present on the premises.
- (C) Any Grower Facility shall maintain a log book and/or database indicating the number of Marihuana Plants. Each Marihuana Plant will be tagged as required by the _____ and _____ Marihuana Facilities Licensing Act.

- (D) All Marihuana shall be contained within an Indoor Enclosed Locked Facility.
- (E) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the Grower, growing or harvesting of Marihuana are located.
- (F) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Somerset Township Public Safety Department to ensure compliance with the Michigan Fire Protection Code.
- (G) The dispensing of Marihuana at the Grower Facility shall be prohibited.
- (H) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:
 - 1. Maintaining adequate personal cleanliness;
 - 2. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
 - 3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- (I) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.
- (J) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- (K) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
- (L) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
- (M) Each Grower Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

- (N) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- (O) The Grower Facility shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- (P) Exterior signage or advertising identifying the facility as a Grower Facility shall be prohibited.
- (Q) Odor Control - No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property measured against the objective standards of a reasonable person of normal sensitivity. A grower or processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.
- a. A plan for ventilation of the medical marihuana facility that describes the ventilation systems that will be used to prevent any odor of medical marihuana off the premises of the business. For medical marihuana facilities that grow medical marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marihuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.
 - b. Cultivated, produced, or distributed by a medical marihuana business. A medical marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marihuana business or at any adjoining use or property.
 - c. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

SECTION 8 LOCATION OF GROWER FACILITY,

- (A) No Grower Facility, shall be located within one thousand (1000) feet of real property comprising a Church or Religious Institution, public or private elementary, licensed child care facility, vocational or secondary school.
- (B) All Grower Facility shall be limited to the Industrial Zoning District, as identified in the Township Zoning Ordinance.
- (C) Separation Distance Measurement
 - a.) Measurements will be conducted from the designated main/public entrance door perpendicular to the road that the facility is addressed on. From this perpendicular point along the centerline of the road(s) a distance will be measured to the perpendicular point of the facility. The centerline measurement will be conducted utilizing the shortest centerline route to the facility. From the facility perpendicular point, a measurement will be obtained from the road that the facility is addressed on to the designated main/public entrance. All distances will be added together to determine the required door to door separation distance.
 - b.) In the event the designated main/public entrance of the facility does not front the facilities addressed road, that entrance will be subjected to the perpendicular point requirement/parallel distance alongside of a facility to obtain the shortest perpendicular measurement to the facilities addressed road.
 - c.) Emergency egress doors are not subject to the measurement requirements and must meet all local and State requirements for

SECTION 9. DENIAL AND REVOCATION.

- (A) A license issued under this Ordinance may be revoked after an administrative hearing at which the Township Administrative/Compliance Officer determines that any grounds for revocation under Subsection (2) exists. Notice of the time and place of the hearing and the grounds for revocation must be given to the holder of the license at least five (5) days prior to the hearing, by first class mail to the address given on the License Application or any address provided pursuant to this Ordinance.

(B) A license applied for or issued under this Ordinance may be denied or revoked on any of the following basis:

- 1 . Violation of this Ordinance;
- 2 Any conviction of or release from incarceration for a felony under the laws of this State, or any other State, or the United States, within the past five (5) years by the applicant or any Stakeholder of the applicant as measured from the date of the application or the date of becoming a Stakeholder, whichever occurs later, or while licensed under this Ordinance or any conviction of a substance-related felony by the applicant or any Stakeholder of the applicant whenever or while licensed under this Ordinance;
- 3 Commission of fraud or misrepresentation or the making of a false statement by the applicant or any Stakeholder of the applicant while engaging in any activity for which this Ordinance requires a license;
- 4 Sufficient evidence that the applicant(s) lack, or have failed to demonstrate the requisite professionalism and/or business experience required to assure strict adherence to this Ordinance and the rules and regulations governing the Adult Use Marihuana Grower Facilities Program in the State of Michigan;
- 5 The Adult Use Marihuana Grower Facilities is determined by Somerset Township to have become a public nuisance;
- 6 The Michigan Marihuana Licensing Board has denied, revoked or suspended the applicant's State License.

SECTION 10. PENALTIES AND DISCIPLINE.

- (A) Somerset Township may require an applicant or holder of license of a Adult Use Marihuana Grower Facilities to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.
- (C) Any Person in violation of any provision of this Ordinance or any provision of a license issued under this Chapter, is responsible for a misdemeanor, punishable by a fine of up to \$1000.00 plus cost of prosecution, ninety (90) days imprisonment, or both, for each violation. This section is not intended to prevent enforcement of any provision of the state law by the Somerset Township Public Safety Department.

- (C) All fines imposed under this Ordinance shall be paid within forty-five (45) days after the effective date of the order imposing the fine or as otherwise specified in the order;
- (D) The Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer may temporarily suspend the Adult Use Marihuana Grower Facilities license without a hearing if the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer finds that public safety or welfare requires emergency action. The Township Administrative/Compliance Officer shall cause the temporary suspension by issuing a Suspension Notice in connection with institution of proceedings for a hearing.
- (E) If the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer temporarily suspends a license without a hearing, the holder of the license is entitled to a hearing within thirty (30) after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice.
 - (A) If the Township Adult Use Marihuana Grower Facilities Administrative/Compliance Officer does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

Authorization to Release Criminal
Information for Application and Licensing Purposes Notification

The Township of Somerset Adult Use Marihuana Facility License Application requires applicants to consent to a criminal background check as a condition of application. This check is to ascertain whether the applicant, each Stakeholder of the applicant, each managerial employee and employee of the applicant meet the criteria set forth in the Somerset Township Adult Use Marihuana Facilities Licensing and Regulations Act.

Authorization

I hereby authorize the Somerset Township Public Safety Department to conduct the criminal background check described above. In connection with this, I also authorize the use of law enforcement agencies and/or private background check organizations to assist the Blackman-Leoni Township Public Safety Department in collecting this information.

Further, I hereby declare that before hiring a prospective agent or employee for any facility or operation requiring license through the Adult Use Marihuana Facilities Licensing and Regulations Ordinance, and after, the holder of a license shall conduct a background check of the prospective employee. If the background check indicated a pending charge or conviction within the past ten (10) years for a controlled substance related felony, I shall not permit the hiring of the prospective employee or agent without written permission from the Township Clerk.

I understand that any falsification or omission of information may disqualify me from consideration for this application. By signing below, I hereby provide my authorization to Blackman-Leoni Township Public Safety Department to conduct a criminal background check.

Full Legal Name:

First	Middle	Last
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Other names I have used in the Past Seven Years:

Current Address:

Previous Address:

Addresses in the 7 years prior to completing this authorization:

Phone Number: _____

Alternate Phone Number: _____

Date of Birth: _____

Gender: Female: _____ Male: _____

Month/Day/Year

Social Security Number: _____

Driver's License Number: State of Michigan License: _____

I understand that any falsification or omission of information may disqualify me from consideration for this application. By signing below, I hereby provide my authorization to Somerset Township Public Safety Department to conduct a criminal background check

Affirmation of Age and Record

STATE OF Michigan
COUNTY OF Hillsdale
TOWNSHIP OF Somerset

The undersigned, being duly sworn, hereby deposes and says:

1. I am at least eighteen (18) years of age;
2. I have never been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled substance related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this day of 2021 .

Signature

Printed Name

