

**Beaver Creek Township
Crawford County, Michigan
Ordinance Authorizing and Permitting
Medical And Recreational Adult-Use Marijuana Facilities
Ordinance No. ~~2022-01~~ 60**

ORDINANCE No: ~~2022~~ 60 ADAMENDMENT # 49

ADOPTED: JANUARY 10, 2023

EFFECTIVE: _____

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical and recreational marihuana facilities in Beaver Creek Township pursuant to MCL 333.27951 et. esq, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

SECTION 1.1 PURPOSE-LEGISLATIVE INTENT

- A. It is the intent of this ordinance to authorize the establishment of several types of Medical and Commercial Marijuana Facilities in the Township of Beaver Creek and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marijuana facilities in Beaver Creek Township through the imposition of annual, nonrefundable licensing fees of not more than \$5,000.00 on each Medical, Recreational and/or Commercial Marijuana Facility licensee or such amount as provided by Michigan law. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq ("Act").
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marijuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq. and all other applicable rules promulgated by the State of Michigan.
- C. The Township of Beaver Creek 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

SECTION 1.2 CONFLICT

Nothing in this ordinance shall be construed in such a manner as to conflict with existing ordinances of the Township of Beaver Creek except as otherwise stated herein.

SECTION 1.3 DEFINITIONS

- A. Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- B. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
- C. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- D. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- E. The following terms shall have the definitions given:

"Act" means PA 18-1 of 2018, otherwise known as the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.

"Affiliate" means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

"Application" means an application for a permit under this ordinance and includes supplemental documentation attached or required to be attached thereto; the person and/or corporate entity filing the applications shall be known as the **"applicant."** If a corporate entity is the applicant, the term includes any officer, director, or managerial employee of the entity.

"Board or Board of Trustees" means the Board of Trustees for the Township of Beaver Creek, Michigan.

"Commercial Marijuana Facility", "Marijuana Facility" or "Facility" means an enterprise at a specific location at which a licensee is licensed to operate under Act, including a marijuana grower, marijuana processor, marijuana retailer, microbusiness, marijuana secure transporter, marijuana safety compliance facility, consumption, and/or marijuana events. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Cultivation" or "Cultivate" means (1) all phases of growth of marihuana from seed to harvest, and drying, trimming, and curing; or (2) preparing, packaging or repackaging, labeling or relabeling of any form of marihuana.

Township means Beaver Creek Township.

"Department" means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Medical and Commercial Marijuana Facility.

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

"Licensee" means a current and valid License for a Commercial Medical Marihuana facility or a Marihuana Establishment issued by the State of Michigan.

"Licensee" means a person holding a state operating license under the MMFLA or MRTMA.

"Marihuana" or "Marijuana" means that the term as defined in Section 7106 of the Public Health Code. MCL 333.7106 et seq.; the Medical Marihuana Act MCL 333.26421 et seq.; Michigan's Recreational Marihuana Act; the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracing MCL 333.27901 et seq. For the purpose of this ordinance, the spellings are interchangeable.

"Marihuana Microbusiness" means a person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.

"Marijuana plant" means any plant of the species Cannabis sativa L.

"Marijuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

"Michigan medical marihuana act" means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

"Marijuana Retailer" means a person licensed to obtain marijuana from marijuana establishments in order to transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

"Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

"Permit" means a current and valid permit for a Commercial Marijuana Facility issued under this ordinance. A permit shall be granted to an applicant only for and limited to a "specific permitted premises" and a "specific permitted property".

"Permit Holder" means the person that holds a current and valid permit under this ordinance.

"Permitted Premises" Means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

"Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, other legal entity or any joint venture for a common purpose.

"Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Registered primary caregiver" means a primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

"Registered qualifying patient" means a qualifying patient who has been issued a current registry identification card under the Michigan medical marihuana act or a visiting qualifying patient as that term is defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.

"Registry identification card" means that term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

"Right to Farm Act." This Ordinance shall comply with the Right to Farm Act to the extent that its provisions may apply or impact license holder.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

"State operating license" or, unless the context requires a different meaning, **"license"** means a license that is issued under the Act.

SECTION 1.4 AUTHORIZATION OF FACILITIES AND FEES

- A. The maximum number of each type of Recreational and Commercial Marihuana Facility located in the Township is set as follows at the time of adoption, but will be reviewed annually or as determined to be advisable at the discretion of the Beaver Creek Township Board of Trustees., and subject to change. The review and its findings shall be recorded in the minutes of the relevant meeting of the Township Board.

Type of Facility	Number Allowed
Grower Type A	Unlimited
Grower Type B	Unlimited
Grower Type C	Unlimited
Secure Transporter	Unlimited

Processor	Unlimited
Safety Compliance Facility	Unlimited
Cannabis Retailer	Unlimited
Class A Marihuana Microbusiness	Unlimited
Adult-Use Education Research License	Unlimited
Consumption Establishment License	Unlimited
Marihuana Event License	Unlimited
Outdoor Grow Facilities	Unlimited

- B. A Grower and a Processor may co-locate at the same Location.
- C. Only applicants that have a license to operate a Provisioning Center under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. ("MMFLA"), and have a license issued by the Township to operate a Provision Center under the MMFLA will be eligible for a Marihuana Retailer License.
- D. This Ordinance does not apply to, regulate or prohibit any protected patient or caregiver conduct pursuant to MMMA.
- E. A non-refundable local permitting fee shall be paid annually to the Township by each Recreational and/or Medical Marihuana Facility licensed under this ordinance of no more than \$5,000 as set by resolution of the Township Board of Trustee's, to help defray application, administrative and enforcement costs associated with the operation of the marihuana establishment within the Township. The \$5,000 fee shall be payable by the applicant at the time of application for Township authorization to operate each Recreational and/or Medical Marihuana facility.
- F. This Ordinance adopts all regulations of the State of Michigan, as amended from time-to-time, regarding types and tiers for licenses such as the new Class A Microbusiness, Consumption License, Marijuana Event license, and others as listed herein, and amended thereafter.

SECTION 1.5 PERMITS

- A. No Person shall own or operate a Marihuana Business within the Township without first applying for and receiving a Permit from the Township Clerk's Office and must also obtain a License from the State of Michigan.
- B. A Marihuana Business shall operate pursuant to the requirements of this Article and shall comply at all times with the MMMA, MMFLA, MRTMA, MTA and the General Rules of the Department, as they may be amended from time to time.
- C. The Township shall assess an annual non-refundable Permit fee and or Renewal fee of \$5,000.00 for each Recreational and/or Medical Marihuana Facility and Marihuana Establishment. The annual non-refundable fee shall be due and payable with the application for a Permit and upon the application for a renewal of any such Permit under this Article. Applicant shall also pay any certificate of zoning fees, certificate of occupancy fees and inspection fees to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations

regarding the Marihuana Business.

- D. A Marihuana Business must be registered with the Building Department as part of its certificate of compliance as to be inspected by the zoning, building, electrical, mechanical and plumbing inspectors and the Fire and Police departments for compliance with applicable local and state laws and codes. The Marihuana Business must pass annual safety inspections for compliance with the requirement of this Ordinance.
- E. A Permit and a Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder and shall remain valid only for one year. A Permit issued under this Article is conditioned on the approval of the Applicant by the State.
- F. All Applicants for a Permit or renewal must be current on taxes and any other financial obligation to the Township.
- G. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Application for new Permits are considered.
- H. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any License or its Permit.
- I. No Permit issued under this Article may be assigned or transferred to any Person unless the assignee or transferee has submitted an Application and all required fees under this Article and has been granted a Permit by the Township and approved by the State. No Permit issued under this Article is transferrable to any other Location.
- J. The Permit issued under this Article, as well as the License shall be prominently displayed at the Location in a place where it can be easily viewed by the public, law enforcement, Township Officials and or agents, and Marihuana Regulatory Agency's authorized agents. Failure to maintain or display a current Permit and License shall be a violation of this Article.
- K. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agent and employees for any state, federal or local law enforcement to conduct random and unannounced inspections of the Marihuana Business without a search warrant, and all articles of property in that Marihuana Business at any time.
- L. No Permit shall be granted or renewed for a Marihuana Business in a residence.
- M. A Permit Holder may not engage in any other Marihuana Business at the Location or on the Permitted Property, or in its name at another
- N. A permit holder may not engage in any other marijuana facility on the permitted property or premises without first obtaining a separate local permit.

- O. No permit shall be granted or renewed for a Commercial Marijuana Facility in a Residential Zone.
- P. Receiving and maintaining a valid Commercial Marijuana Facility license issued by the State of Michigan is a condition precedent for the issuance and maintenance of a marijuana facility permit under this ordinance and continued operation of any marijuana facility.

SECTION 1.6 APPLICATION FOR PERMITS

- A. An application for a permit to operate a Recreational and/or Medical Marijuana Facility must be on a form provided by Beaver Creek Township and shall be submitted to the Township Zoning Administrator along with the following information:
 - 1. The name address, phone number and email address of the applicant/s and the type of proposed marijuana facility.
 - 2. The names, home addresses and personal phone numbers for all owners, directors, officers, and managers of any entity owning the proposed commercial marijuana facility.
 - 3. One copy each of the following:
 - a) Documentation showing the applicant's valid tenancy, ownership or other legal interest in the property and premises propose to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement from the owner of such property authorizing its' use for a commercial marijuana facility.
 - b) If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing. The township reserves the right to request additional documentation regarding corporate existence and formation as it deems necessary to process the application.
 - c) A photocopy of a valid, unexpired driver's license or state issued identification card for all owners, directors, officers, and managers of the proposed facility. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - d) Application for zoning permit to include, if a sign is being proposed.
 - e) The non-refundable application fee as set by the Township Board. (\$5000.00)
 - f) Disclosure as to whether any 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 or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.

- g) Disclosure regarding any other Commercial Marijuana Facility that the applicant is currently authorized to operate in any other jurisdiction within Michigan, another state or country and the applicant's involvement in each facility, including location of such facility, type of such facility, and ownership interest in the facility.
 - h) Application for Special Use Permit to be issued by the Township Planning Commission.
 - i) Application for Site Plan review to be issued by the Township Planning Commission.
4. Any other reasonable information requested by the Township that is considered to be relevant to the processing or consideration of the application.
- B. Upon receipt of the application and accompanying documentation, the Township Zoning Administrator shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Zoning Administrator shall act to process an application not later than fourteen (14) business days from the date the application was accepted. If the application is deemed complete, the Zoning Administrator shall forward all information to the planning commission and establish a date for public hearing and planning commission review.
- C. A provisional application means only that the applicant has submitted a valid application for a Recreational and/or Medical Marijuana Facility permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township. The permits and approvals required include but are not limited to:
- 1. Special Use Permit as issued by the Township Planning Commission
 - 2. Site Plan approval from the Township Planning Commission
- D. Within ten (10) business days of the planning commission's approval of the applicant's Site Plan, Special Use Permit and Recreational and Medical Marijuana Facility Permit and payment of the annual non-refundable local permitting and application fee, the Township Zoning Administrator shall issue the Recreational and Medical Marijuana Facility Permit.

SECTION 1.7 PERMIT RENEWAL

- A. Each Permit issued under this Ordinance must be renewed annually. The Township Clerk shall make renewal and amendment applications and forms available and shall develop rules to determine how applications, forms or supplemental information requests for renewal or amendment will be accepted.
- B. **Renewal Applications Timelines:** A Renewal Application shall be submitted to and received by the Clerk not less than forty-five (45) days prior to the expiration of the annual Permit, except that an Application requesting a change in the Location shall be submitted and received not less than ninety (90) days prior to the expiration of the Permit. The Township Clerk shall not accept a Renewal Application on the 44th day prior to the expiration of the annual Permit or any day thereafter. A Permit Holder whose Permit expires and for which a Renewal Application has not been received in accordance with the time frame set forth in this section and approved by the expiration date shall be deemed to have forfeited the Permit under this Ordinance.

C. Amendments.

1. A Marihuana Business shall not make or allow any changes to be made in the operation, management, or ownership of the Marihuana Business as represented in the License application, without first obtaining the approval of the Township through an amended application.

2. An amended application must be submitted when there is a change in any information the Applicant or Licensee was required to provide to the Township or the State of Michigan in the most recent application on file with the Township or the State of Michigan, as applicable.

3. If the Township denies an amended application, then a Licensee shall be allowed to operate under its License only if the proposed amendments are not in effect and if the License is otherwise valid.

D. Approval, Issuance, Denial and Appeal. All inspections, review and processing of the Application shall be completed within ninety (90) days of receipt of a complete Application and all required fees.

1. An Application shall not be approved unless:

i. The Fire Department and the Building Department has inspected the proposed Location and Permitted Premises for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this Ordinance.

ii. The Township Planner has confirmed that the proposed Location complies with the Zoning Ordinance and this Ordinance.

iii. The Township Treasurer has confirmed that the Applicant/and or any Stakeholder is not in default to the Township.

The Township Clerk shall approve or deny the Permit Application within ninety (90) days of receipt of the completed Application and fees.

i. Medical Marihuana Facility. Within the time frame for approval, the Clerk shall assign an identifying number to an Application for submission into a lottery for random selection of those Applications approved by the Clerk to be issued a Permit for an approved Medical Marihuana Facility.

The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of an approved Application for submission into a lottery.

Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to the Township Board, provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit. The Township has no obligation to process or approve any incomplete Application; and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the

Township Clerk. A determination of a complete Application shall not prohibit the Township from requiring supplemental information.

2. Applications for new Permits where no building is as yet in existence.

Any Applicant for a Marihuana Business Permit whose buildings are not yet in existence at the time of the Township's initial Permit approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, inapplicable zoning ordinances, building codes and any other applicable state or local laws, rules or regulations, and to commence business operations.

3. Duty to Supplement.

i. If, at any time before or after a Permit is issued pursuant to this Article, any information required in the Permit Application, the MMFLA, the MRTMA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant, Permit Holder or Licensee shall supplement such information in writing within ten (10) days from the date upon which the such change occurs.

ii. An Applicant, Permit Holder or Licensee has a duty to notify the Township Clerk in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the charge.

iii. An Applicant, Permit Holder or Licensee has a duty to notify the Township Clerk in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation processing, manufacture, storage, sale, distribution testing or consumption of any form of marihuana, the MMMA, the MMFLA, MTA, 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 Permit Holder/Licensee, any owner, principal officer, director, manager, or employee within ten (10) days of the event.

4. Permit Forfeiture.

In the event that a Marihuana Business does not commence operations within one year of issuance of a Permit, the Permit Holder may submit to the Township Clerk a written request for a one (1) year renewal permit, pay the renewal fee of \$5000 and the Township shall issue a renewal. In the event a permit holder does not commence operations within two (2) years of issuance of initial permit the permit shall be deemed forfeited; the business may not commence operations and the License is not eligible for renewal. The Permit Holder may appeal to the Township Board for an extension beyond year two (2) upon a showing of good cause.

A Permit granted under this Article may be revoked by the Township Board after an administrative hearing if the Township Board finds and determines that grounds for revocation exist. Any grounds for revocation must be provided to the Permit Holder/Licensee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the Permit Application or any address provided to the Township Clerk in writing subsequent to the filing of an Application. A Permit applied for and issued under this Ordinance may be denied or revoked for the following reasons:

- i. Any fraud or misrepresentation contained in the Permit application.
- ii. Any knowing violation of this Ordinance or any Code of Ordinance violation or Zoning Ordinance Violation.
- iii. Loss of the Permit Holder/Licensee's State Marihuana Business License.
- iv. Failure of the Applicant to obtain a State Marihuana Business License within a reasonable time after obtaining a Permit under this Ordinance.
- v. The Marihuana Business is determined by the Township Board to have become a public nuisance or otherwise is operating in an unlawful manner or in such a way as to constitute a menace or hazard to the health, safety, or general welfare of the public.
- vi. Permit and License as revocable privilege. A Permit issued by this Article is a revocable privilege granted by the Township and is not a property right. Granting a Permit does not create or vest any right, title, franchise, or other property interest. Each License is exclusive to the Licensee and a Licensee or any other person must apply for and receive the Township's approval before a License is transferred, sold, or purchased. A Licensee or any other person shall not lease, ledge or borrow or loan money against a License. The attempted transfer, sale, or to the conveyance of an interest in a License without the prior approval of the Department/MRA is grounds for suspension or revocation of the Permit or for other sanction considered appropriate by the Township.

5. Location Requirements

Location shall be set and determined by the Township in accordance with the Masterplan and/or determined by the Township.

SECTION 1.8 APPLICABILITY

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Recreational and Medical Marijuana Facility were established without authorization before the effective date of this ordinance.

SECTION 1.9 PENALTIES AND ENFORCEMENT

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of not more than \$500.00, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation subject to an additional \$500.00 fine. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B. A violation of this ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this ordinance.

- C. This ordinance shall be enforced and administered by the Township Zoning Administrator or such other Township official(s) as may be designated from time to time by resolution of the Township Board of Trustees.

SECTION 1.10 SEVERABILITY

In the event any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance.

SECTION 1.11 OPERATIONAL REQUIREMENTS

- A. A Recreational and/or Medical Marijuana Facility issued under this ordinance and operating in the Township shall at all times comply with the following operational requirements, which the Township Board may review and amend from time to time as it deems reasonable.
1. **Age.** No person under the age of twenty-one (21) shall be allowed to enter into a Commercial Marijuana Facility.
 2. **Security.** Permit holders shall at all times maintain a security system that meets State requirements under the Act, including but not limited to the following:
 - i Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility;
 - ii Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 - iii A locking safe permanently affixed to the permitted premises that shall store all marijuana and cash remaining in the Facility overnight;
 - iv All marijuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, displayed or dispensed outside the facility; and
 - v All security recordings and documentation shall be preserved for at least 48 hours by the permit holder and made available to any law enforcement upon request for inspection.
 - vi All Facilities not located in an industrial, mixed use, commercial, and/or recreational forest area will be required to install fencing, approved by the Township. However, the Township planning commission reserves the right to require fencing for Facilities located in the industrial, agricultural, resource development, commercial, mixed use areas.
- B. **Sale of Marijuana.** Marijuana and marijuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.
- C. **Sign Restrictions.** No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any facility nor be visible outside of the facility. The words "marijuana," "cannabis" or any other words intended to convey the presence or availability of marijuana shall not appear on the outside of the facility nor be visible outside of the facility.

D. **Use of Marijuana.** The sale, consumption or use of alcohol or tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including marijuana, on the permitted property is prohibited.

E. **Indoor Operation.** All activities of Commercial Marijuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of marijuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facilities operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility.

F. **Additional Conditions.** The Township Board may impose such reasonable terms and conditions on a Commercial Marijuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this ordinance and applicable law.

G. This ordinance shall take effect thirty days after publication upon adoption.

H. The above Ordinance was offered for adoption by Township Board Member Dan Bouamie, and was seconded by Township Board Member Doug Vannicello, the vote being as follows:

YEAS: 3 NAYS: 1

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

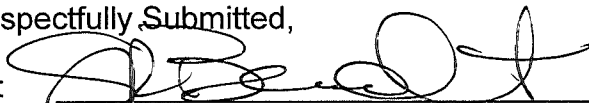
CERTIFICATION

I hereby declare that the above is a true copy of an ordinance adopted by the Beaver Creek Township Board at a Regular meeting held on Jan. 10, 2023 at the Beaver Creek Township Hall, pursuant to the required statutory procedures.

Dated: Jan. 10, 2023

Respectfully Submitted,

By:


Township Clerk