

**ARLINGTON TOWNSHIP
VAN BUREN COUNTY, MICHIGAN
2021 MARIJUANA BUSINESS ORDINANCE
ORDINANCE 2021-09
ADOPTED SEPTEMBER 22, 2021
PUBLISHED OCTOBER 1, 2021**

AN ORDINANCE ESTABLISHING RULES, PROCEDURES, LICENSING, AND REGULATIONS FOR COMMERCIAL MARIJUANA BUSINESSES IN ARLINGTON TOWNSHIP, REPEALING ALL ORDINANCES PREVIOUSLY ADOPTED TO REGULATE MARIJUANA BUSINESSES, AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THE ORDINANCE

THE TOWNSHIP OF ARLINGTON ORDAINS:

**ARTICLE I
GENERAL PROVISIONS**

A. Title.

This Ordinance is to be known, and may be cited as, the “Arlington Township Commercial Marijuana Business Ordinance.”

B. Acknowledgement by Applicant of Revocable Privilege.

The operation of a licensed marijuana business is a revocable privilege and not a right in Arlington Township. Nothing in this Ordinance shall be construed to grant a property right for an individual or business entity to obtain, or have renewed, a Township-issued license to engage in a marijuana business in the Township. Nothing in this Ordinance is intended to grant or grandfather any marijuana business a vested right, license, or privilege for continued operations within the Township.

C. Purpose and Intent.

The Township is authorized to issue marijuana business licenses (“MBLs”) or prohibit the issuance of such licenses. It has authorized the issuance of MBLs in some form since 2018. The Township has considered and evaluated the effects of allowing the operation of marijuana businesses in the Township. The Township has determined that it has allowed too many marijuana businesses and too many outdoor marijuana-grow licenses for the best interest of the Township. The purpose of this Ordinance is to establish the rules and regulations for the operation of marijuana businesses in Arlington Township in light of the circumstances that currently exist. The Ordinance replaces all prior ordinances relating to commercial marijuana businesses, including, in part, Ordinance 2018-01, An Ordinance to Authorize and Regulate the Establishment of Medical Marijuana Facilities; Ordinance 2019-619-01, Medical Marijuana Moratorium; Ordinance [20]19-10, Recreational Marijuana Opt-Out; Marijuana Business Ordinance,

No. 2020-01; Amendment to Ordinance 2020-01; Second Amendment 2021-01 to Ordinance 2020-01; Third Amendment to Ordinance 2021; and Fourth Amendment to Ordinance 2020-01. The Ordinance seeks to implement the provisions of Public Act 281 of 2016, the Michigan Medical Marijuana Facilities Licensing Act (MMFLA) and 2018 Initiated Law No. 1, the Michigan Regulation and Taxation of Marijuana Act (MRTMA), and coordinate Township actions with those statutes. The Ordinance shall be construed at all times to protect the health, safety, and welfare of the Township and Township residents over the interests of marijuana businesses, and to exercise Township control over marijuana businesses to the maximum extent allowed by law. The Township has determined that it incurs substantial expense in the administration of marijuana businesses and the enforcement of rules governing those businesses, and this Ordinance establishes fees to help defray Township administrative and enforcement costs associated with marijuana businesses. The Ordinance establishes penalties for violations of the Ordinance. Nothing in this Ordinance is intended to promote or condone the production, distribution, sale, or possession of marijuana in violation of any applicable law. By accepting a license for use in the Township, a marijuana business acknowledges that it is fully aware of the provisions of this Ordinance and acknowledges that the Township shall not be required to issue a warning before issuing a citation for a violation of this Ordinance. The cultivation of marijuana in the Township is not an agricultural practice for any purpose, including application of the Township Zoning Ordinance. Marijuana businesses recognize and acknowledge that, as of the effective date of this Ordinance, marijuana is classified as a Schedule 1 controlled substance under Federal Law, which makes it unlawful to manufacture, distribute, cultivate, produce, possess, dispense, or transport marijuana. Nothing in this Ordinance is intended to grant immunity from any criminal prosecution under Federal Law.

D. Waiver and Release of Claims, Indemnification of Township, and Reservation of Right to Amend or Repeal.

By applying for or accepting a license issued pursuant to this Ordinance, an applicant or licensee waives and releases the Township, its agents, elected officials, and employees from any liability for injuries, damages, or liabilities of any kind that result from the denial of an application for a license, the issuance of a license, the non-renewal of a license, or the revocation of a license. The applicant or licensee agrees to indemnify, defend, and hold harmless the Township, its agents, elected officials, and employees, for any claim for damages based on such claims.

By applying for or accepting a license issued pursuant to this Ordinance, an applicant or licensee waives and releases the Township, its agents, elected officials, and employees from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of marijuana business owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.

By accepting a License issued pursuant to this Article, all License holders agree to indemnify, defend, and hold harmless the Township, its officers, elected officials, employees, and insurers, against all liability, claims, or demands arising on account of

bodily injury, sickness, disease, death, property loss or damage, or any other loss of any kind, including, but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a Licensed operating facility or establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of either a Medical Marijuana Facility or a Marijuana Establishment, or use of a product cultivated, processed, distributed, or sold that is subject to the License, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c).

The Township reserves the right to amend or repeal this Ordinance in any manner and at any time it chooses, including, but not limited to, the complete prohibition of any type of marijuana business or limiting the number and types of marijuana businesses and licenses authorized to operate in the Township.

E. Duty to Provide Records.

All applicants for an MBL and/or all licensees agree that they shall provide to the Township upon request all documents provided to or received from the State of Michigan, or any of its departments, related to the prequalification, issuance, or administration of any MBL business license to be used in the Township. Applicants and licensees also agree that they shall provide to the Township on request all documents provided to or received from any other governmental department or agency at any level related to the prequalification, issuance, or administration of any MBL to be used in the Township.

F. Township Forms.

The Township shall provide an applicant with forms to use in the application process. The Township reserves the right to adopt changes in the forms it requires from applicants. The Township may adopt forms by resolution.

G. Definitions.

The following words, terms, and phrases shall have these meanings:

“Applicant” means any person who applies for the issuance or renewal of a marijuana business license in the Township.

“Application Documents” means the items required by the Township as part of the application process.

“Cultivate or Cultivation” means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.

“Excess Marijuana Grower License” means a license issued to a person holding 5 or more Class C adult-use marijuana grower licenses and at least two Class C medical-

grow licenses. An excess grower license issued by the Township shall replace an adult-use Class C grower license held by the same licensee.

“Grower” means a person licensed to grow marijuana in the Township and sell or otherwise transfer marijuana to Marijuana Establishments.

“Licensee” means any person who holds any form of marijuana business license issued by the Township.

“Marijuana” means that term as defined in Section 3 of the MRTMA, MCL 333.27953, as may be amended.

“MBL” is an acronym for Marijuana Business License and means any license identified in this Ordinance for the growing, processing, or selling of marijuana.

“Marijuana Business” means a marijuana grower, marijuana processor, marijuana retailer, or any other type of marijuana-related business licensed by the State of Michigan pursuant to MCL 333.27951, as may be amended.

“Marijuana Processor” means a person licensed to obtain marijuana from marijuana establishments, process and package marijuana, and sell or otherwise transfer marijuana to marijuana establishments.

“Marijuana Retailer” means a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

“Michigan Marijuana Facilities Licensing Act” or “MMFLA” means MCL 333.27101, et seq., as may be amended.

“ Michigan Regulation and Taxation of Marijuana Act” or “MRTMA” means MCL 333.27951, et seq.

“MRA” means the Michigan Marijuana Regulatory Agency.

“Person” means a natural person, sole proprietor, company, partnership, profit or non-profit corporation, limited liability company, joint venture, or any other individual or group seeking permission to operate a marijuana business.

“Premises” means the particular building, buildings, land, or tenant space within which a particular use is conducted.

“State” means the State of Michigan.

Unless defined differently in this Ordinance, any term used in this Ordinance that is defined by the Medical Marijuana Facilities Licensing Act, Michigan Regulation and Taxation of Marijuana Act, or the Administrative Rules promulgated by the Michigan

Department of Licensing and Regulatory Affairs addressing marijuana shall have the definition given in those Acts and Rules. All such definitions are adopted by reference in this Ordinance (unless superseded or preempted by definitions given in this Ordinance).

H. License Authorization and Limitations.

No MBL shall operate in the Township unless it is specifically authorized and approved by this Ordinance and by the State. The Township recognizes that the following license types are available under the MMFLA and associated administrative rules and could be approved for use in the Township:

- Class A Grower (may grow up to 500 marijuana plants)
- Class B Grower (may grow up to 1,000 marijuana plants)
- Class C Grower (may grow up to 1,500 marijuana plants)
- Processor
- Provisioning Center
- Safety Compliance Facility
- Secure Transporter

The Township recognizes that the following license types are available under the MRTMA and associated administrative rules and could be approved for use in the Township:

- Class A Marijuana Grower (may grow up to 100 plants)
- Class B Marijuana Grower (may grow up to 500 plants)
- Class C Marijuana Grower (may grow up to 2,000 plants)
- Excess Marijuana Grower (may grow up to 2,000 plants, depending on the adult-user's medical marijuana plant allowance)
- Marijuana Microbusiness (may grow up to 150 plants, process, and retail)
- Marijuana Processor
- Marijuana Retailer
- Marijuana Safety Compliance Facility
- Marijuana Secure Transporter
- Designed Consumption Establishment
- Marijuana Event Organizer
- Temporary Marijuana Event

The Township has considered the possibility of authorizing the issuance of each of these license types and has determined that it shall issue no more than the following numbers and types of licenses (medical-marijuana facilities and adult-use marijuana establishments combined):

1. Zero (0) new grow licenses subject to the explicit exceptions identified in this Ordinance. Existing grow licenses may be converted as authorized by the State of Michigan. Excess grow licenses may issue after the applicant for such a license demonstrates that any such license will be exchanged

for a Class C Adult-Use License. The Township decision to authorize no new grow licenses is subject to the license reserve identified below.

2. Two (2) Provisioning Center or Retailer Licenses; and
3. A Processor License for each person holding a grow license. The Processor License shall correspond to the type of grow license held by the applicant. If the applicant holds both medical and adult-use grow licenses, the applicant shall be entitled to the issuance of two processing licenses. In addition, two additional processing licenses are authorized to be used at a processing facility that does not hold a grow license.

No licenses shall be issued by the Township in any of the following categories:

- Safety Compliance Facility
- Secure Transporter
- Marijuana Safety Compliance Facility
- Marijuana Secure Transporter
- Designed Consumption Establishment
- Marijuana Event Organizer
- Temporary Marijuana Event
- Marijuana microbusiness
- Any other license category established by the State at any time that is not explicitly recognized for use by the Township.

I. License Reserve.

The Township reserves the right to issue a total of five (5) grow licenses of any type designated by the Township which may be issued at any time solely at the discretion of the Township to businesses who hold no more than two (2) marijuana business grow licenses in the Township. These licenses will issue based on the Township's determination that an existing licensee requires an additional license in order to further its business interests where the licensee could not have obtained the license earlier in time because of limitations on the licensee's available capital, because the issuance and use of an additional license is uniquely suited to a particular parcel of property, or for other reasons that the Township determines to be appropriate.

J. Preservation of Rights by Existing Licensee.

Nothing in this Ordinance shall be construed to remove or limit from an existing marijuana business the rights it has acquired in obtaining any MBL. Licensees remain subject to all other rules and procedures established by the Township.

K. License and Annual Fee.

No person shall establish or operate a marijuana commercial business in the Township without first having obtained a license from the Township and a state

operating license for each such marijuana business to be operated. Licenses shall be kept current.

All applicants for a Township license and applicants for renewal of a license shall pay at the time of application the sum of \$5,000 per license as a fee to defray the administrative and enforcement costs associated with marijuana businesses located in the Township. The Township Board is authorized to modify the amount of this fee by resolution. The Township shall deposit all such amounts in a Township account at a regulated financial institution until the Township determines whether any license that has been requested will be granted. If an application is denied, the Township shall return the amounts paid by the applicant as administrative fees without interest. No right shall be created by the fact that the Township has deposited an administrative fee in a financial institution while it evaluates a license-renewal application.

The administrative license fee requirement set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing and licensing requirements imposed by any state regulatory agency, or by Township Ordinance, including, by way of example, any applicable fees for site-plan review, zoning review, inspections, or building licenses.

L. General License Application Requirements and Zoning and Special-Use Permit Applications.

All information provided by an applicant shall be both in PDF or comparable form for electronic transmission and in hard copy. Any applicant for a Township MBL must be pre-qualified under the rules adopted by the MRA. The applicant shall provide the Township as part of the Township application process with a copy of its prequalification application to the State of Michigan for all licenses that the applicant seeks to use in the Township and all documents that the applicant has submitted to the State in support of the application. The applicant shall also submit to the Township an application in writing on forms provided by the Township, by deadlines that the Township establishes by Ordinance or resolution, and all documents that the Township determines to be necessary to the application evaluation process. Township requests for information shall be sent to the applicant at the email address included on the application. The applicant shall have either (5) business days or another time period set solely at the discretion of the Township based on good cause in order to provide additional information.

M. Denial of Application.

The Township may reject any application that contains any false, misleading, inaccurate, or incomplete information that the Township, in its sole discretion, determines to be material to the application. The Township may, at its sole discretion, deny any application when the Township determines that it is not in the best interests of the Township to grant the application, or when the application does not meet the requirements of the MMFLA, the MRTMA, the State of Michigan's Administrative Rules, or this Ordinance.

If the Township rejects or denies an application, the applicant shall have the right to appeal the decision to the Board by filing a statement of reasons why the decision should be changed. The statement must be filed with the Township within ten (10) business days of the denial. The Board will consider the appeal within 60 days at a meeting at which the applicant may appear.

N. Issuance of a Provisional Township License.

With regard to a state prequalified marijuana business, which has submitted a complete Township application and all other information requested by the Township, the Township shall review the information and determine, at its sole discretion, if the applicant is qualified to operate a marijuana business. If the Township determines that the applicant is qualified to operate a marijuana business, it shall issue a provisional license to the applicant.

A provisional MBL means only that the applicant has submitted a valid application for a marijuana business operating license and is eligible to request a MBL from the State. A provisional license creates no right to operate a marijuana business. The applicant shall not locate or operate a marijuana business in the Township without obtaining a State operating license approved by and issued by the State, and obtaining all required approvals from the Township and the state. A provisional license issued by the Township shall expire and be void (one year or another time period set solely at the Township's discretion) after it is issued if the applicant and provisional licensee does not obtain a state license. A provisional licensee has no right to have a provisional license renewed.

If the State issues a final determination denying an application for a state operating license, then the provisional approval license will be immediately canceled by the Township.

O. Issuance of Township Marijuana Business License.

An applicant holding an unexpired provisional Township license for a marijuana business and for which a marijuana facility or marijuana establishment state operating license has been issued may provide proof of the state license to the Township. If a Township license is available, the Township may at its sole discretion issue the license subject to all applicable conditions established by the Township, including in part the presentation of an unconditional Special Use Permit (SUP) for the property at which the license shall be used.

No Township license shall issue until the applicant has obtained a SUP from the Township. The applicant shall obtain all approvals and permits that the Township determines to be appropriate, including, in part, permits issued by the Building Inspector, the Electrical Inspector, the Mechanical & Plumbing Inspector, the Van Buren County Road Commission, EGLE, and the Van Buren County Drain Commissioner.

P. Duty to Keep Contact Information Current and to Provide Updated Information.

All applicants and licensees are required to provide the Township with up-to-date contact information at all times. This information shall include a valid mailing address, telephone number, email address, and a current contact person. All applicants and licensees are required to provide to the Township all information that the Township determines it requires in order to administer applications, licenses, and other requests. The obligation to obtain and provide updated information rests solely with the applicant or licensee.

Q. Prohibition on Marijuana Business Billboards.

No billboard signs shall be erected in the Township for any marijuana business.

R. Signs.

All marijuana businesses are authorized to place a sign on the business exterior, or another location approved by the Township, that includes the business name and/or address. All signs are subject to Township approval. Signs shall be no larger than 4 feet in height and 6 feet in width and shall not mention marijuana. Signs shall not show any symbols or artwork.

S. Definition of Notice from the Township.

Applicants for an MBL in the Township and licensees agree that notice from the Township shall consist of any of the following: email to the last email address provided to the Township by the marijuana business, first-class mail to the last mailing address provided to the Township by the marijuana business, or any other method of service described in the then-current version of the Michigan Court Rules.

T. Proof of Insurance.

Each marijuana business, regardless of the number of licenses the business uses, shall maintain, for the duration of the license, worker's-compensation insurance, as required by state law, and general liability insurance, with minimum limits of \$1,000,000 per occurrence and an aggregate limit of at least \$2,000,000, issued from a company licensed to do business in Michigan having an AM Best rating of at least B+++. A licensee shall provide proof of insurance to the Township in the form of a license of insurance evidencing the existence of a valid and effective policy disclosing policy limits, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. A licensee, or its insurance broker, shall notify the Township of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee shall obtain and submit proof of substitute insurance to the Township within five business days in the event of expiration or cancellation of coverage.

Any failure to maintain, or lapse in, the insurance coverage required by this Ordinance is grounds for revocation of the Township-issued operating license.

A condition of the issuance of a marijuana business operating license includes, at a minimum, operation of the business in compliance with all the plans and the information provided to the Township as part of the application. A licensee must update any change in the information provided to the Township as part of the application within five business days of such change during the term of the license. The failure to timely update a change in information will be grounds for suspension or revocation of the operating license.

U. License Renewal.

The Township has determined that its administration of MBLs and SUPs on which MBLs are used will be more effective if MBLs and SUPs are renewed at the same time during the months between the outdoor grow seasons. One of the purposes of this Ordinance is to establish a standardized renewal process and cycle for all MBLs and SUPs issued by the Township. This renewal cycle and the procedure described in this Article shall be effective immediately. Administrative license fees shall be prorated to the standardized renewal cycle so that no licensee pays more than \$5,000 per year in administrative fees. All information, documents, and other materials supporting a request for the renewal of an MBL and a request for renewal of a SUP for property on which one or more MBLs are used shall be submitted to the Township no later than November 15 of the calendar year immediately preceding the year in which the MBL shall be used, beginning with November 15, 2021. An applicant is solely responsible to submit all information, documents, and other materials required to renew an MBL or an SUP, regardless of whether the information was previously provided to the Township. The failure to timely file an application for renewal of an MBL or an SUP and all other documentation required by this Ordinance is sufficient grounds to deny renewal of an MBL or SUP.

An application for renewal of an MBL and an SUP for land on which the MBL is used shall include, at a minimum, all documents, information, and correspondence that the applicant filed or received as part of the state prequalification process, and all documents that the applicant filed with the state or received from the state regarding any MBL after receiving a Township provisional license. The renewal application shall include a current site plan that complies with Article V of the Zoning Ordinance. The applicant shall also file by deadlines set by the Township all additional documents requested by the Township as part of the renewal process, regardless of whether the Township requests such documents before or after the November 15 application deadline for the current application year.

The Township shall make reasonable efforts to review and process timely filed renewal applications by March 31 of the calendar year following the year in which the application is filed. The Township shall have the sole discretion to determine whether renewal of an MBL or an SUP is appropriate. The Township's failure to approve a

renewal request by March 31 does not create any property or other right in the applicant.

The Township may, in its sole discretion, approve renewal of an MBL renewal application and supporting SUP application if the application and supporting materials establish: 1) that there are no changes to the marijuana business operation using the license; 2) that there are no additional buildings or structures on the SUP property; 3) that the applicant has paid all administrative fees in a timely manner; 4) that the applicant has not violated any Township Ordinance during the preceding year relating to the operation of a marijuana business or the use of land located in the Township; 5) that the applicant has not violated any state or federal law during the preceding year; and 6) that no other reason exists supporting denial of the application. Any such approval shall be certified by the Township Marijuana Coordinator, Township Engineer, and Township Attorney and shall be presented to the Township Board for consideration. The Township Board shall have the sole discretion and authority to approve or reject such an application and certification. No renewal application shall be approved based on this procedure if any MBL or SUP condition remains incomplete or unsatisfied.

All other applications shall be considered by the Planning Commission and Township Board pursuant to the Township procedures for evaluating MBL and SUP renewal requests that are not the subject of an administrative approval. The Planning Commission shall conduct public hearings as required and make recommendations to the Board on all applications that the Planning Commission considers.

V. Transfer of MBLs.

An MBL is valid only for the person or entity to which the license was issued for the type of business disclosed on the application for the license and for the location for which the license is issued. An MBL shall not be transferred to a different location. Any interest in a Township license may be transferred to a new owner solely at the discretion of the Township. Licensees shall notify the Township immediately of any intent to transfer any interest in a Township license. A request for transfer shall occur only after the Township determines that the transferee qualifies for a Township license based on the terms of this Ordinance and state law regarding a new applicant.

W. Bond for Restoration of Property.

A licensee shall post with the Township a surety bond in an amount set by the Township reasonably calculated to provide for restoration of the property on which any marijuana license is used. Restoration means returning the property to its character and condition before any work was performed for the purpose of growing or processing marijuana on the property. The Township may set by resolution the rules and standards for determining an appropriate bond amount.

X. Chemical Storage.

All licensees shall disclose to the Township all chemicals that are stored on the site on which a marijuana license is used. No chemicals shall be stored on property at which an MBL is used other than chemicals used in the marijuana process for which a Township license was issued. Such chemicals must be approved for use by the State of Michigan. Products and chemicals used for normal maintenance and cleaning are exempt from the disclosure.

Y. Suspension or Revocation of License.

The Township may, after notice and hearing, suspend or revoke an MBL or an SUP for land on which marijuana is grown or processed. By accepting a license from the Township, a licensee agrees that a violation of this Ordinance is a nuisance and a nuisance per se under Michigan law and is subject to abatement by the Township. Nothing in this Ordinance shall prevent the Township from taking action against a licensee for nuisance based on other Ordinance violations, including violations of the Township Zoning Ordinance.

Z. FOIA Exemption.

To the extent permissible, and as authorized under Section 205 of the Medical Marihuana Facilities Licensing Act, MCL 333.27205(4), and Section 9 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27959(7), information submitted in conjunction with an application under this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231, et seq., and as any of the foregoing statutes may hereafter be amended.

**ARTICLE II
GENERAL REQUIREMENTS**

A. Compliance with Rules; Inspections.

A licensee shall comply with the rules that may from time to time be promulgated by the State of Michigan and the Township.

Any failure by a licensee to comply with state rules or the provisions of this Ordinance is a violation of this Ordinance, and any infraction, violation, or failure to comply is sufficient grounds for suspension and revocation of a license issued under this Ordinance.

B. Fencing Requirements.

All marijuana businesses shall be surrounded by a security fence that is adjacent to the business. All security fences surrounding an outdoor marijuana grow shall be adjacent to the plants for which the Township has issued a license. A boundary fence shall not serve as a security fence.

C. Visibility of Marijuana Business Activities.

Marijuana business activity shall be conducted indoors and out of public view, except cultivation may occur in an outdoor area, provided that the area is contiguous with a building containing marijuana business operations, fully enclosed by fencing as required by this Ordinance, screening, and landscaping sufficient to block marijuana plants from public view. No marijuana plants shall grow above the height of the security fence surrounding the grow.

D. Odor Control.

No marijuana business shall emit detectable odors that interfere with the reasonable and comfortable use and enjoyment of another's property.

E. Hours of Operation, Lighting, and Generators.

Generators shall not be used at any marijuana business except in emergencies. Outdoor artificial lighting shall be limited to security lighting that is approved by the Township. Between the hours of 10:00 p.m. and 6:00 a.m., greenhouses or similar structures that do not totally block light from the outside in which artificial lighting is used shall be covered with cloth or a comparable material in order to reduce and diffuse lighting. The Township shall have the right to approve the material used for this purpose. Outdoor activity at marijuana businesses shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m. Marijuana retail and provisioning centers shall not be open to the public between the hours of 8:00 p.m. and 10:00 a.m.

F. Inspection of Licensed Premises.

The Township intends to rely as much as possible on inspections of marijuana businesses by the State of Michigan. Application for an MBL, or operation of a marijuana business, or leasing property to a marijuana business constitutes consent by the applicant, licensee, and all owners, managers, and employees of the business, and the owner of the property, for the Township or its designee to conduct examinations and inspections of the marijuana business to ensure compliance with this Ordinance or any other applicable law, rule, or regulation. For purposes of this Ordinance, examinations and inspections of marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this Ordinance for the purpose of protecting the public safety, individuals operating and using the services of the marijuana business, and the adjoining properties and neighborhood. The Township is authorized to obtain at any time copies of all surveillance recordings maintained by a marijuana business for a period of 30 days preceding a Township request for such recordings. The Township is authorized to photograph all marijuana businesses during any inspection to the extent that such photography does not violate state law.

A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law-enforcement officer or a Township inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse,

fail, or neglect to cooperate with a law-enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Ordinance, the MMFLA, MRTMA, or applicable state administrative rules.

Township inspection procedures and rules may be modified by resolution.

G. Other Laws Remain Applicable.

To the extent the State of Michigan adopts in the future any additional or stricter law or regulation governing the sale or distribution of marijuana, the additional or stricter regulation shall control the establishment or operation of any marijuana commercial business in the Township. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

H. Grant of Administrative Authority and Responsibility of Compliance.

The Township is granted the power to fully and effectively implement and administer the license-application process and the issuance of provisional approval licenses and operating licenses issued by the Township under this Ordinance.

Applicants shall have the sole responsibility to comply at all times with the requirements of this Ordinance. No action by the Township shall relieve an applicant of the requirement of compliance.

I. Violations and Penalties.

Any person, including, but not limited to, any licensee, manager, or employee of a marijuana commercial operation, or any customer of such business, who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction punishable by a civil fine of \$500 per day of violation, plus court-imposed costs and any other relief that may be imposed by the court. Each day during which a violation continues is a separate civil infraction.

In addition to any civil fine imposed for a municipal civil infraction violation, a violation of this Ordinance shall also be sufficient grounds for the suspension, revocation, or nonrenewal of the Township MBL.

In addition to the possible denial, suspension, revocation or nonrenewal of the license issued under the provisions of this Ordinance, the Township Attorney is authorized to seek such other relief that may be available and provided by law or equity, including filing a public-nuisance action or seeking injunctive relief against a person alleged to be in violation of this Ordinance or the Township Zoning Code.

J. Repeal of Prior Ordinances.

All prior Ordinances relating to marijuana businesses that conflict in any way with this Ordinance are repealed.

K. Severability.

If any portion of this Ordinance is held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction or any agency with jurisdiction over this Ordinance, that portion shall be deemed a separate, distinct, and independent provision of the Ordinance, and such holding shall not affect the validity of the remaining portions of the Ordinance.

L. Effective Date.

This Ordinance shall take effect 30 days from the date of publication.

CERTIFICATION

I certify that trustee _____ moved for adoption of said Ordinance No. _____ and that trustee _____, seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____ and that the following members voted against such Ordinance: _____.

I further certify that said Ordinance No. _____ has been recorded in the Ordinance Book of the Township of Arlington and that such recording has been authenticated by the signatures of the Township Supervisor and Township Clerk.

I do hereby certify that a synopsis of this Ordinance No. _____, in accordance with statutory requirements, was published on _____, in the _____, a copy of which is attached hereto.

Douglas De Leo
Township of Arlington, Clerk