

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 2020-05**

AN ORDINANCE AMENDING THE CODIFIED SCIO TOWNSHIP ORDINANCE BY AMENDING CHAPTER 5 – MARIHUANA.

The Board of Trustees of the Township of Scio hereby ordains:

Chapter 5 “Marihuana” of the Township of Scio Code of Ordinances is amended to include the following:

ARTICLE 2:

1 - TITLE This ordinance shall be known as and may be cited as the Township of Scio Marihuana Establishments Ordinance.

2 - DEFINITIONS Words used herein shall have the definitions as provided for in Michigan Medical Marihuana Act, MCL333.26421, et seq; the Marihuana facilities Licensing Act, MCL 333.27101 et seq; and the Marihuana Tracking Act, MCL 333.27901 et seq; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as may be amended (the “State Marihuana Laws”).

3 – AUTHORIZED MARIHUANA ESTABLISHMENTS

1. The following marihuana establishments may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with the State Marihuana Laws, as may be amended, the Rules promulgated thereunder and this ordinance: a) Zero growers shall be authorized in the Township, including Class A and Class B growers. b) Zero processors shall be authorized in the Township. c) Zero retailers shall be authorized in the Township. d) Up to five safety compliance establishments shall be authorized in the Township. e) Zero secure transporters shall be authorized in the Township; d) Zero microbusinesses shall be authorized in the Township.

2. On and after October 1, 2020, the Township shall accept applications for authorization to operate a marihuana establishment within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as the “Clerk.”). Once the Clerk receives a complete application including the initial annual marihuana establishment fee, the applicant shall receive conditional authorization to operate such marihuana establishment within the Township.

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 Clerk.

4. A conditionally authorized applicant shall receive full authorization from the Township to operate the marihuana establishment within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the marihuana establishment in the Township and the applicant has met all other requirements of this ordinance for the operation including but not limited to any zoning approval for the location of the establishment 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 automatically canceled by the Clerk. The Township Board shall have the authority to extend the deadline to obtain full authorization for up to two additional six month periods on written request of the applicant, which must be made at least 30 but not more than 45 days prior to the automatic cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension. Such an extension may not be granted more than one time per marihuana establishment.

4 - GENERAL REGULATIONS REGARDING AUTHORIZED MARIHUANA ESTABLISHMENTS

1. An authorized marihuana establishment shall only be operated within the Township by the holder of a state operating license issued pursuant to the State Marihuana Laws, as may be amended, and the Rules promulgated thereunder. The establishment shall only be operated as long as the state operating license remains in effect.

2. Prior to operating an authorized marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all applicable zoning regulations. The establishment shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.

3. Prior to operating an authorized marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating marihuana establishments, and generally applicable Township police power ordinances. The establishment shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.

4. An authorized marihuana establishment shall consent to inspection of the establishment by Township officials and all police agencies having jurisdiction over Scio Township during hours of operation to verify compliance with this ordinance.

5. If at any time an authorized marihuana establishment violates this ordinance the Township Board may request that the state revoke or refrain from renewing the establishment's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Township authorization.

6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized marihuana establishment a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.

7. The Township expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized marihuana establishments authorized to operate within the Township.

5 - ANNUAL MARIHUANA ESTABLISHMENT FEE There is hereby established an annual nonrefundable Township marihuana establishment fee in the amount of \$5,000, for each authorized marihuana establishment within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual marihuana establishment fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the marihuana establishment. Together with the annual marihuana establishment fee, each authorized marihuana establishment must certify, on a form provided by the Township, that no material information has changed since the most recent application or certification provided by the establishment, or detailing changes in material information. For purposes of this ordinance, material information includes but is not necessarily limited to information relating to ownership, criminal or other legal violations, and any other information which the State of Michigan requires to be reported by marihuana establishments.

6 - VIOLATIONS AND PENALTIES

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall be \$500. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer, County Sheriff, or by such other person(s) as designated by the Township Board from time to time.

7 - SEVERABILITY The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing marihuana establishments pursuant to the State Marihuana Laws, as may be amended.

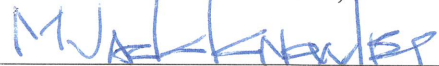
8 - REPEAL All ordinance or parts of ordinances in conflict herewith are hereby repealed.

9 - EFFECTIVE DATE This ordinance shall take effect thirty days after Publication.

SECTION 6. EFFECTIVE DATE.

This Ordinance is hereby declared to be adopted by the Board of Trustees of the Township of Scio in a meeting duly called and held on the 8TH day of September 2020.

**TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN**



M. Jack Knowles, Township Supervisor



Jessica M. Flintoft, Township Clerk

ADOPTED: September 8, 2020
PUBLISHED: December 10, 2020
EFFECTIVE: January 10, 2021