

CHARTER TOWNSHIP OF WATERFORD  
5200 CIVIC CENTER DRIVE  
WATERFORD, MICHIGAN 48329

SPECIAL WORK SESSION MEETING OF THE  
TOWNSHIP BOARD OF TRUSTEES  
Conference Room 3-2

June 7, 2023  
5:00 p.m.

**Per MCL 42.7(2), a special meeting is called by Supervisor Gary Wall to be held  
on June 7, 2023, at 5:00 p.m. in Conference Room 3-2.  
Please call 248-674-6266 with any questions.**

1. Discussion Of Possible Marihuana Adult Use Ordinance And Possible Associated Amendments To The Zoning Ordinance And MMFL Ordinance

Documents:

[MARIHUANA ESTABLISHMENTS ORDINANCE 060523.PDF](#)  
[AMEND TO MMFL ORDINANCE PC REVIEW 060523.PDF](#)  
[ADULT USE ESTABLISHMENTS ZON ORD TEXT AMENDS 060523.PDF](#)  
[ZOA MED MAR SEC 2-604.4 USE REGULATIONS 060523.PDF](#)

2. Possible Closed Session To Discuss Attorney-Client Privileged Communication
3. Public Comments Limited To Three (3) Minutes Per Speaker

In conformance with the Americans with disabilities Act, large-print agenda and minutes are available upon request. Barrier-free parking and access are also available at Town Hall. Minutes are available upon request at the Clerk's department, and on the Township's web-site.

**CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2023-006**

**ADULT USE MARIHUANA ESTABLISHMENT LICENSING ORDINANCE**

An Ordinance to establish as a new Division 13 in Article III of Chapter 10 in the Waterford Charter Township Code, Adult Use Marihuana Establishment Licensing and Regulation Ordinance.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The Waterford Charter Township Code is amended by adding Sections 10-310 through 10-328 in a new Division 13, Adult Use Marihuana Establishments, in Article III, Business Licensing, of Chapter 10, Business Regulations, Licensing and Registration to read as follows:

**Division 13. Adult Use Marihuana Establishment Licensing**

**Sec. 10-310. Title.**

This Division shall be known and cited as the "Adult Use Marihuana Establishment Licensing Ordinance."

**Sec. 10-311. Purpose.**

- (a) The purpose of this Division is to exercise the Township's authority under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et. seq.*, as amended to authorize and locally license, and regulate adult use marihuana establishments in the Township and provide for standards and procedures for the review, issuance, renewal, and revocation of licenses for such establishments; and establish fees for such licenses.
- (b) The Township intends to issue permits for and to regulate marihuana establishments to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.* The Township does not intend that permitting and regulation under this chapter be construed as a finding that such establishments comply with any law. By requiring a Township permit and compliance with the requirements of this chapter, as well as the zoning ordinance, the Township intends to protect the public health, safety and welfare by: promoting the safe, regulated sale and testing by state-licensed establishments of adult-use marihuana, and to ensure the safe access to adult-use marihuana to adults age 21 and older; discouraging the sale of unsafe and unlicensed marihuana products; preserving and protecting the health, safety and welfare of the residents of the Township and the general public by minimizing unsafe and unregulated marihuana sale; and establishing standards and procedures for the operation, and maintaining of an adult-use marihuana establishment.
- (c) The operation of a licensed adult-use marihuana establishment is a revocable privilege and not a right in the Township. Nothing in this chapter is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed, a Township-issued permit to engage in the use, distribution, cultivation, production, possession, transportation, sale or testing of adult-use marihuana as a commercial enterprise in the Township.

- (d) Adult use marihuana establishments are a highly regulated industry in the Township. All licensees are assumed to be fully aware of the law. The Township shall not therefore be required to issue warnings before taking action to address violations of this Article.

**Sec 10-312. Legislative Intent.**

- (a) The intent in adopting this Ordinance is to authorize the best suited adult use marihuana establishments to be licensed to operate in the Township while attempting to minimize the negative impacts on public health, safety, welfare, and community resources from the growing, processing, transportation/storage, testing, and purchase/sale of marihuana by licensed establishments.
- (b) The intent of requiring an adult use marihuana establishment to also have a medical marihuana license is to recognize that it is best suited to the needs of the Township to have medical marihuana available for Township, which address the local impacts on the Township, its residents, and property owners from the commercialization of marihuana and to protect the public over marihuana establishment interests, which at all times shall be subordinate to the interests of the Township and public it serves.
- (c) As with any Township business license, a license issued under this Ordinance is a revocable privilege and there is no intention to confer a property right to operate, or obtain or retain a license to operate, an adult use marihuana establishment in the Township.
- (d) This Ordinance and any licenses issued under it are not intended to and do not provide any protection or exemption from federal law, under which marihuana is an illegal controlled substance, and the Township and its officials, employees, and agents shall not be construed as approving, encouraging, aiding or abetting the violation of that or any other marihuana related law based on actions and decisions under this Ordinance.

**Sec. 10-312. Definitions.**

- (a) In addition to the rules of construction and definitions contained in Sections 1-002 and 10-053, words, terms, and phrases used in this Ordinance shall have the meanings defined in the following state laws, which are adopted by reference, unless defined differently in this Ordinance and shall have the meaning indicated:
  - (1) Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et. seq., as amended. ("MRTMA")
  - (2) The Administrative Rules promulgated under the Administrative Procedures Act, 1969 PA 306, MCL 24.201 to 24.328, by the Department of Licensing and Regulatory Affairs, Cannabis Regulatory Agency, or successor agency ("Rules").
  - (3) The Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq.
  - (4) The Medical Marihuana Facilities Licensing Ordinance definitions in Section 10-294.

- (b) As used in this Ordinance the following word, term, and phrases shall have the meanings indicated:

**Adult-use** means the marihuana use provided in the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, MCL 333.297951 et. seq. as amended.

**Licensee** means a person issued a Township license under this Ordinance for an establishment that has a previously issued Township license for a medical marihuana facility.

**State Agency** means the Cannabis Regulatory Agency or successor agency created by the state of Michigan to regulate marihuana businesses.

**State license** means a license issued by the State Agency allowing a person to operate as an adult use establishment grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Township License** means a license issued by the Township under this Ordinance for an establishment, which also has a medical marihuana facility license for the same location (i.e. provisioning center license required to receive a retailer license, medical grower license required to receive an adult use grower license.)

**Sec. 10-313. Relationship to federal and state Laws.**

- (a) *Relationship to Federal Law.* As of the effective date of this Ordinance, marihuana is classified as a Schedule 1 controlled substance under federal law, which makes it unlawful to manufacture, distribute, cultivate, produce, possess, sell, dispense, provide or transport marihuana. Nothing in this Ordinance shall be considered or construed to be or is intended to grant immunity from or a defense against any criminal prosecution under federal law.
- (b) *Relationship to State Law.* Nothing in this Ordinance or a license issued under it is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, provisioning, distribution or transport of marihuana in any form, that is not in strict compliance with the MRTMA and the Rules, strict compliance with which is a requirement and condition for issuing, continuing, and renewing any license under this Ordinance, with noncompliance being grounds for revocation or suspension of such licenses..

**Sec. 10-314. Liability to and indemnification of Township.**

- (a) By accepting a license issued under this Ordinance, the licensee waives and releases the Township and its officials, employees, agents, and insurers from any liability for injuries, damages or liabilities of any kind that may result from any arrest or prosecution of facility owners, operators, employees, clients or customers for a violation of state or federal laws.
- (b) By accepting a license issued under this Ordinance, the licensee agrees to indemnify, defend and hold the Township and its officials, employees, agents, and insurers, harmless against all liability, claims or demands for bodily injury, sickness, disease, death, property

loss or damage, or any other liability, including for: (I) injury to business or diminution of property value by a property owner whose property is located in proximity to a facility; (ii) claims arising out of the operation of, or use of a product cultivated, processed, distributed or sold by or from, a facility; (iii) alleged violation of the federal Controlled Substances Act, 21 U.S.C. §801 et seq.; and (iv) costs, expenses, and attorney fees incurred by the Township in defending its decision to approve the license (v) expenses associated with the emergency response, property repair, remediation, medical expenses, marihuana disposal, and expenses related to discontinued use, and prosecution.

**Sec. 10-315. Establishment license required.**

No person shall act as a marihuana adult use grower, processor, retailer, safety compliance facility, or secure transporter in the Township without first obtaining a medical marihuana license for the same location and maintaining and complying with the facility license requirements under Chapter 10, Article 12 and applying for, obtaining, maintaining, and complying with the establishment license requirements of the Township under this Ordinance.

**Sec. 10-316. Authorized licenses, annual fee, and limitations.**

- (a) The types of marihuana establishment licenses allowed in the Township for which the Township may issue a license for the same location that has an equivalent Township medical marihuana facility license issued under Chapter 10, Art III, Division 12 that are as follows:

<u>Type of Establishment</u>	<u>Equivalent Medical Facility License Required</u>
Grower	Grower
Processor	Processor
Retailer	Provisioning Center
Safety Compliance Facility	Safety Compliance Facility
Secure Transporter	Secure Transporter

- (b) Nothing in this Ordinance obligates the Township to approve any of the licenses applied for.
- (c) A separate license shall be required for each establishment. More than one (1) type of establishment license may be applied for, approved, and issued for the same location.
- (d) As authorized by MRTMA, MCL 333.27956, an annual nonrefundable fee of \$5,000.00 is established for each license that is issued.
- (e) As provided in Section 10-057, licenses are not transferrable or assignable to a different location but may have changes in ownership or be transferrable or assignable to a different licensee upon approval by the State Agency and the Township as provided in Section 10-307.
- (f) An establishment licensed under this Ordinance shall not be eligible for any real or personal property tax abatement or other decrease or advantage under any Township ordinance, policy, or program, with the filing of a license application constituting a voluntary waiver by the applicant of such abatement, decrease, or advantage.

- (g) The requirements in Zoning Ordinance must be complied with.

**Sec. 10-317. Establishment location and minimum requirements.**

- (a) A license is not authorized and shall not be applied for, approved, or issued:
  - (1) For a location that does not meet the Facility Location and minimum requirements of Section 10-299 of Division 12.
  - (2) For a location that does not meet the requirements of Township Zoning Ordinance No. 135-A.
  - (3) For a location that has any past due property taxes, special assessments, water and sewer bills, or other financial obligation to the Township.
  - (4) For a location that has any unresolved code violations issued by the Township or any unresolved violations issued by the State Agency.
  - (5) If the corresponding state license has not been applied for or has been denied.
- (b) The Named Applicant is responsible for determining if a license application is prohibited by subsection (a). If a license application is submitted in violation of subsection (a) it shall be denied and the application fee shall be forfeited to the Township.

**Sec. 10-318. License application, approval and issuance procedure.**

- (a) The license procedure involves 5 stages which are: (I) Application to Township Clerk, (ii) Review by Township Assessor, Treasurer and DPW to verify if there are any outstanding obligations owed to the Township and review by the Code Official to verify if there are any code violations for the location, (iii) Review of Planning Division application form by Zoning Official and review and recommendation by the Planning Commission, under Section 4-004 of the Zoning Ordinance, to the Township Board, (iv) Decision on application by Township Board, and (v) License issuance by Township Clerk.
- (b) Applications for an establishment license shall be filed with the Township Clerk's Office and be accompanied by a nonrefundable application fee for each license applied for in an amount set by Resolution of the Township Board. The filing of an application constitutes consent to inspection of the proposed Establishment location by employees or agents of the Township. **The Applicant shall also be required to provide a completed Planning Division application form to the Clerk's Office.**
- (c) If review by Township personnel indicates that there are outstanding obligations owed to the Township or outstanding ordinance code violations, the application will be denied and the application fee will be forfeited.
- (d) The Township Board shall not consider approving a license if the corresponding state license has been denied.
- (e) Any Township Board approval or approval with conditions of a license for a facility shall expire after one (1) year or such later date as approved by the Township Board.

- (f) The Township Clerk shall not issue a license approved by the Township Board beyond the expiration of that approval and until all conditions of that approval have been satisfied and the annual license fee has been paid.

**Sec. 10-319. License application requirements.**

- (a) Applications for an establishment license shall be filed with the Township Clerk's office by personal delivery and be accompanied by a nonrefundable application fee for each license applied for in an amount established by Resolution of the Board of Trustees. The filing of an application constitutes consent to inspection of the proposed location by employees or agents of the Township.
- (b) The Application shall consist of one (1) paper original, except where noted below, and an electronic version in a media form acceptable to the Clerk's office of a completed Application form (form provided by the Clerk's office) that identifies the Named Applicant and type of establishment license applied for, certifies under oath that none of the conditions prohibiting the application from being filed as described in Section 10-317(a) exist, and contains the information required in the application and described below. The applicant shall also provide an electronic copy of the original medical marihuana license application and supplemental application, if applicable. The following information shall be attached to the application form on separate documents prepared by the Named Applicant and numbered with separate tabs for each item (1) to (7) to correspond to those numbers in this subsection. All application information must be prepared and submitted with the understanding and expectation that compliance with those disclosures and commitments shall be conditions of the license applied for.
  - (1) Copy of the prequalification under the Rules for the corresponding state license.
  - (2) An explanation on the form provided with the application for noting any information that has changed since the Applicant's original medical marihuana facility license application.
  - (3) Proof of insurance in the form of a certificate of insurance evidencing the existence of commercial general liability insurance on an occurrence basis with limits of liability of not less than \$2,000,000.00 per occurrence and aggregate for personal and bodily injury and property damage that names the Township and its officials and employees as additional insureds, and worker's compensation insurance as required by state law, issued by companies licensed and authorized to do business in the State of Michigan with a rating acceptable to the Township.
  - (4) A \$10,000.00 bond in the form of cash, or a surety bond or irrevocable bank letter of credit the language of which has been approved in advance by the Township, that shall be immediately available, forfeited, and payable to the Township if the Named Applicant, any other Applicant, or person on behalf of the Named Applicant files a complaint, petition, claim of appeal, or other proceeding with any court or governmental administrative agency, challenging, contesting, or otherwise seeking to invalidate a Township decision on the Named Applicant's license application or money damages based on the decision. The bond proceeds shall only be used by the Township for the costs and attorney fees incurred in defending such an action, with any unused amounts after a final, unappealable decision to be returned to

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the person that paid the bond. The bond shall remain on file until three (3) years after the date of the decision of the Township after which it shall be returned or released if no appeal was filed and the Named Applicant and all other Applicants provide the Township with a signed written agreement that waives any and all rights to apply for leave to appeal from the decision or file any other court or governmental agency complaint, petition, or other proceeding against the Township or its official, employees, or agents based on the decision. Until that written agreement is provided, the bond will continue to be held until all applicable statutes of limitations for the filing of claims based on the decision have expired, after which the bond will be returned or released as applicable. If the Applicant already has a bond on file with the Township for a prior medical marijuana decision, a bond transfer form, releasing all claims from prior Township marijuana licensing decisions, may be completed to allow that bond to be used for an adult establishment license decision.

- (5) A waiver of the exemption from Freedom of Information Act disclosure of the application documents under the Act (MCL 333.27959(7)), if a Township decision on a license applied for by the Named Applicant is challenged.
  - (6) Any other information the Named Applicant wants the Township Board or Township to consider. Except for communications with the Township Clerk's office regarding administratively incomplete applications and at a public meeting of the Township Board, and communication with the Zoning Official and Planning personnel regarding the Planning Division application, APPLICANTS ARE PROHIBITED FROM COMMUNICATING WITH TOWNSHIP BOARD MEMBERS OR TOWNSHIP PERSONNEL PERFORMING REVIEWS OF THE APPLICATION. HOWEVER, APPLICANTS MAY COMMUNICATE WITH PLANNING DIVISION PERSONNEL CONCERNING THE PLANNING DIVISION APPLICATION AND SITE PLAN REVIEW UNDER THE ZONING ORDINANCE. VIOLATION OF THIS PROHIBITION WILL RESULT IN DENIAL OF THE APPLICATION.
  - (7) A signed Waiver of Claims agreement provided with the application.
- (c) Upon the personal delivery of the signed paper original and electronic version of an Application and nonrefundable application fee, the Township Clerk's office shall stamp or record the date and time of that delivery on the Application form and provide a copy of that to the person delivering the Application. The Clerk's office shall not stamp or record an Application as filed without the required paper original and electronic version and application fee.
  - (d) The applicant shall also provide a completed Planning Division application to the Clerk for site plan review by the Planning Commission as required by the Zoning Ordinance. The Township Board will only consider and act on Applications after they have been reviewed by the Planning Commission in accordance with Section 4-004 of the Zoning Ordinance.
  - (e) A Named Applicant may withdraw an Application within five (5) business days of filing it by signing and delivery of a written notice of withdrawal to the Township Clerk's office. Upon a timely withdrawal, 95% of the otherwise nonrefundable application fee shall be returned.



- (f) To the extent required by (MCL 333.27959(7)), and not waived by a Named Applicant, the application documents submitted for an establishment license are exempt from disclosure under the Freedom of Information Act. This exemption shall not apply to the completed Application form with the information specified in the first paragraph of subsection (b), and to the Planning Division application.

**Sec. 10-320. License application review and processing.**

- (a) The Township Clerk's office shall review the Application and attachments with assistance from the Public Works Official, Treasurer, Assessor and Code Enforcement Officer as to compliance with the minimum requirements in Sec. 317(3) and(4), and within 30 business days after accepting the Application for filing, will notify the Named Applicant in writing if the Application form is not administratively complete or any of the Application attachments specified in Section 10-319(b) (1) through (8) are missing, have not been submitted in the required order, or are incomplete due to the absence of some responsive language or document for each. That review shall not be for the sufficiency or substance of the responsive language or document. Corrective or supplemental application documents submitted in response to such a notice shall be reviewed by the Clerk's office within 10 business days of receipt. If an application is still administratively incomplete, the Clerk's office shall issue a final notice of such incompleteness and opportunity for correction to the Named Applicant. If the Application is not administratively complete within 10 business days of that notice, it shall be treated and considered as abandoned and the application fee shall be forfeited to the Township.
- (b) Upon determining an Application to be administratively complete with no outstanding obligations owed to the Township or outstanding Code violations, the Clerk's office shall notify the Zoning Official that the Planning Division application may be reviewed and referred to the Planning Commission as provided in the Zoning Ordinance Section 4-404. The Zoning Official shall notify the Named Applicant of any additional information needed before the Planning Division application can be placed on a Planning Commission agenda. Once the Planning Commission has completed its review of a Planning Division, it shall advise the Clerk of its recommendations.

**Sec. 10-321. Township Board procedure and decision on applications.**

- (a) Once the Planning Commission has completed its review of each Planning Division application under Section 4-004 of the Zoning Ordinance, it shall advise the Clerk of its recommendations. The Clerk shall place the Applications and Planning Commission recommendations on the agenda for a Board of Trustees meeting for their consideration. The Board may consider applications as the Planning Commission completes its recommendations.
- (b) At its first meeting to consider an application for an establishment license the Township Board may request additional information from the applicant, postpone consideration to a future meeting, refer the application to the Township attorney for review or make a decision on the application.
- (c) If any of the following circumstances exist, an application shall be denied without consideration of the license application review criteria:

- (1) The application may not be approved or issued because of noncompliance with one (1) or more of the reasons listed in Section 10-317(a).
  - (2) Prohibited communication or attempted communication by an Applicant with Township Board members or Township personnel who are to perform reviews of the application.
  - (3) The application is not substantively complete with respect to one (1) or more of the application requirements in Section 10-319(b).
  - (4) The application contains knowingly false information as documented in a report from Township personnel.
  - (6) Any of the circumstances provided in Section 10-303 (d)(6)-(9).
  - (7) Failure of the Named Applicant to have an authorized representative at a meeting it was notified of unless a written explanation of that absence acceptable to the Township Board is provided prior to the meeting.
- (d) If an application is not denied under section (c) above, the Township Board shall decide whether to approve, approve with conditions, or deny the application based on compliance with the license standards, terms, and conditions in Section 10-324, the application review criteria in Section 10-322, and the other standards and requirements in this Ordinance. Conditions on an approval may include changes to any of the plans, programs, commitments, or other aspects of the proposed facility and its operation submitted as part of the application.
- (f) The Township Board decision shall be made by an approved motion during an open meeting of the Board but shall not be final until it has been placed in writing and adopted by the Board as its final decision at a subsequent meeting, which shall be considered the date of the decision for all purposes. The Board's final decision shall be sent by the Clerk to the Named Applicant.
- (g) Section 10-077, that otherwise allows the Township Board to grant a variance from minimum licensing requirements shall not be applicable to licensing requirements under this Division.
- (h) If the Township Board conditionally approves an application, any conditions that are not based on the application or a part of every license under Section 10-324, must be accepted by the Named Applicant filing a written acceptance signed by an authorized representative with the Township Clerk within 10 business days of the Clerk's sending the Board's final decision to the Named Applicant.
- (i) Subject to a timely filed acceptance of conditions under subsection (h), a final decision to approve or conditionally approve an application reserves that type of facility license for the Named Applicant and authorizes the Township Clerk to issue it for a period of one (1) year after the Township Board's final decision, or such later date as allowed by the Township Board, if all of the following conditions are satisfied and documented by filings with the Township Clerk within that time:

- (1) For a conditional approval, the Named Applicant's written acceptance of the conditions is filed with the Clerk in the time and manner required by subsection (h).
- (2) The corresponding state license for that type of facility is issued.
- (3) Any Zoning Ordinance change of use, site plan, or other approvals necessary for issuance of construction permits being obtained and complied with.
- (4) Construction permits being obtained and complied with.
- (5) A final certificate of occupancy being issued.
- (6) Payment of the annual license fee of \$5,000.00.
- (7) Satisfaction of any Township Board approval conditions.
- (8) Satisfaction of all license issuance requirements in Section 10-319(b).
- (9) A current certificate of insurance conforming to Section 10-319(b)(5) and confirming insurance coverage through the end of the term of the license to be issued.

**Sec. 10-322. Township Board license application review criteria and record.**

- (a) In reviewing and acting on applications for establishment licenses under this Ordinance, the Township Board shall base its decisions on the Planning Commission recommendation under the Site Plan Review Procedures and Requirements in Section 4-004 of the Zoning Ordinance and whether the applicant is best suited to operate within the Township in compliance with MRTMA.
- (b) The Township Board's record for license application decisions shall consist of the application, the Minutes of Township Board meetings at which an application is considered and decided, and the written recommendation of the Planning Commission.

**Sec. 10-323. Issuance and renewal of licenses.**

- (a) The Township Clerk shall issue an establishment license approved by the Township Board if the documents specified in Section 10-321(i) are received within the time required.
- (b) Licenses are issued on a calendar year basis, expire on December 31st of each year, and shall be for the remainder of the calendar year in which issued, with the required annual license fee prorated. Upon the licensee's written request, the Township Clerk may issue the first license for a facility for the remainder of the calendar year in which issued and the following calendar year if the annual license fee for that following calendar year is also paid.
- (c) There is no right to renew an establishment license. On or before October 1 of each license year, the Township Board may approve notifying a licensee of the township's intention to not renew the license for specified reasons. Such reasons and notice shall be provided in writing to the licensee at least seven (7) days before a hearing by the

Township Board on a date and time specified in the notice at which the licensee shall have the opportunity to be heard before any final Township Board decision on whether the license may be renewed.

- (d) Applications to renew a license for the next calendar year shall consist of a paper original and electronic version of a written request filed with the Township Clerk by November 1 and shall be accompanied by a nonrefundable renewal application fee in an amount established by resolution of the Township Board, an updated certificate of insurance a description of any changes in the information in the applications that was not previously provided to the Clerk. The Township Clerk shall distribute the renewal application for review by and compliance status reports from the same Township personnel and for the same purposes described in Section 10-302(b), which shall be provided within 30 days.
- (e) Based on the Township personnel reports and standards in Sections 10-076, 10-078, and 10-079, the Township Clerk shall either approve or deny renewal of the license and notify the licensee in writing of the decision, and if it is to deny, of the right to appeal to the Township Board under Section 10-079(b).
- (f) Licenses shall be in a form determined by the Township Clerk that includes by reference all license standards, terms and conditions under Section 10-324.
- (g) A copy of the license shall be posted at all times in the facility at a location that is readily observable upon entering the facility.

**Sec. 10-324. License standards, terms, and conditions.**

Unless modified by the Township Board in its decision to approve a license, the standards, terms, and conditions in this Section are incorporated by reference in and shall be requirements of every establishment license to be complied with at all times.

- (a) The establishment shall be constructed, used, operated, and maintained in compliance with the application, as approved by the Township Board, and requirements for licensure under this Ordinance and the Zoning Ordinance, specifically including:
  - (1) All Township Board license approval conditions.
  - (2) All aspects and elements of the site and building plans submitted with the Planning Division application unless changes are required to meet the building and/or zoning codes, or, as otherwise approved by the Planning Commission consistent with the Zoning Ordinance.
  - (3) All aspects and elements of the medical marihuana license standards, terms and conditions in Sec. 10-306.
- (b) The facility shall be constructed, used, operated, and maintained in compliance with all Township Codes and Ordinances and the following state laws that are adopted by reference as part of this Ordinance:
  - (1) The MTRMA (Michigan Regulation and Taxation of Marihuana Act.)
  - (2) The State license for the facility.

- (5) The Rules (Cannabis Regulatory Agency Administrative Rules)
- (6) All License standards in Sec. 10-306 of the Medical Marihuana Facilities Licensing Ordinance except as otherwise noted herein.
- (c) There shall be posted in a conspicuous location in each facility a legible sign stating that:
  - "1. The possession, use, sale, distribution, growing, cultivation, and transporting of marihuana is a violation of federal law.
  - 2. It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, medical marihuana.
  - 3. No one under the age of 21 is permitted on this premises."
- (e) Licensee shall be responsible for taking all lawful actions and measures necessary to prevent or immediately curtail violations of any law at or related to an establishment, including but not limited to the Township Ordinances that prohibit the gathering of disorderly persons and loitering, with any such violations to be reported immediately to the Township police department by the licensee.
- (f) During all business hours and other times when an establishment is occupied by the licensee or an employee or agent of the licensee, it shall be subject to examination and inspection by the Township for the purpose of investigating and determining compliance with the license and this Ordinance.
- (g) Application for a license, operation of an establishment, and leasing property for use as an establishment, constitutes consent by the Named Applicant, licensee, all owners, managers, and employees of the facility, and the owner of the property to the Township conducting routine examinations and inspections of the establishment to ensure compliance with this Ordinance and any license applied for or issued.
- (h) Compliance with any future State law that imposes additional or stricter requirements or regulations on a facility shall be an additional requirement of any license issued, renewed, or applied for under this Ordinance.

**Sec 10-325 License Transfer Request and Requirement to Report Material Changes.**

- (a) A license approval is only valid for the owners, officers, members or managers listed in the application or license and only valid for the Named Applicant or named licensee, unless a change is approved as provided herein.
- (b) A licensee must report material changes to the State Agency before making material changes that require prior authorization from the State Agency. Material changes must be reported to the Township Clerk within 10 calendar days of the change. Material changes include but are not limited to the following:
  - (1) Change in any owners, officers, members, managers or members listed in the application or license.
  - (2) Changes in entity name.

- (3) Any transfer, sale, or other conveyance of an interest in the entity.
  - (4) For a safety compliance facility any change in its accreditation status by ISO or other accreditation body approved by the State Board.
  - (5) A licensee has a duty to notify the Clerk in writing of any pending criminal charge, criminal conviction, felony, misdemeanor and violation of any law or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of marihuana, the MMFLA, MRTMA and of any State Agency fine or penalty imposed.
- (c) Transfer of license or Changes to ownership: A licensee may transfer a license issued under this article, to a different entity or make changes to ownership, upon receiving written approval from the State Agency and the Township. The requirements in Section 10-307(c) shall apply to request approval of a transfer or change in ownership.
  - (d) Failure to report a Material Change to the Clerk within 10 days of the change is grounds for suspension or revocation of a license or conditional approval.
  - (e) No transfer of location shall be permitted.

**Sec. 10-326 Limited Right of Appeal.**

A Named Applicant shall have the right to appeal from a final Township decision on the Named Applicant's license application by filing a Claim of Appeal with the Oakland County Circuit Court within 21 days after the date of the final Township decision as provided in MCR 7.123, with the appeal limited to determination of whether the decision complied with the procedures and discretion of the Township Board under this Ordinance, was authorized by law, and supported by competent, material, and substantial evidence in the record.

**Sec. 10-327. License revocation and suspension.**

Any license issued under this Division may be suspended or revoked by the Township Board under the procedure in Division 3 of this Article.

**Sec. 10-328. Violations and sanctions.**

Violations of this Division or the terms and conditions of a license are municipal civil infractions punishable as provided in Section 1-010(b).

**Section 2 of Ordinance. Severability**

Should the Courts declare any Section, subdivision, sentence, clause or phrase of this ordinance to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**Section 3 of Ordinance. Repealer**

This ordinance repeals Ordinance No 2019-005, Marihuana Establishment Prohibition Ordinance, adopted on May 28, 2019, and effect 2019 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 4 of Ordinance. Effective Date**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on \_\_\_\_\_, 2023.

CHARTER TOWNSHIP OF WATERFORD

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Kimberly F. Markee, Township Clerk

Introduced:

Adopted:

Published:

**CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2023-005**

**MEDICAL MARIHUANA FACILITY LICENSING ORDINANCE AMENDMENT**

An Ordinance to amend the Medical Marihuana Facility Licensing Ordinance codified in Division 12 of Article III in Chapter 10 of the Waterford Charter Township Code to provide for site and building plans review by the Planning Commission prior to a decision on the license application by the Township Board.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The Waterford Charter Township Code is amended by modifying subsection 10-294 Definitions to reflect the new name for the state agency responsible for reviewing marihuana licensing matters to read as follows:

**Rules** means the administrative rules that have been or in the future are promulgated by the Michigan ~~Marijuana-Cannabis~~ Regulatory Agency under Section 206 of the Act, MCL 333.27206, to implement the Act, which ~~as of June 22, 2020,~~ are included in the rules codified in the Michigan Administrative Code, ~~as R 420.1 through R 420.809.~~

**State ~~Board~~ Agency** means the ~~medical marihuana licensing board~~ Cannabis Regulatory Agency created under ~~Part 3 of the Act~~ the Executive Reorganization Order 2019-02 to assume the responsibility of the medical marihuana licensing board.

**State license** means a license issued by the State ~~Board~~ Agency under the Act allowing a person to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Section 2 of Ordinance**

The Waterford Charter Township Code is amended by modifying subsection 10-298 to provide for possible future consideration of additional licenses to read as follows:

**Sec. 10-298 Authorized medical marihuana facilities, licenses, annual fee, and limitations.**

- (a) As provided in Section 205 of the Act, MCL 333.27205, the types and maximum number of medical marihuana facilities allowed in the Township for which the Township may issue a license are as follows:

<u>Type of Facility</u>	<u>Maximum Number</u>
Grower	2
Processor	2
Provisioning Center	6
Safety Compliance Facility	2
Secure Transporter	2

However, the Board of Trustees will review the number of licenses issued within six (6) months of the effective date of this Ordinance amendment to determine if they wish to consider an



increase in the maximum number of facility licenses provided above and/or accept new applications.

Sections (b)- (d) Unchanged

(e) As provided in Section 10-057, licenses are not transferrable or assignable to a different location but may have changes in ownership or be transferrable or assignable to a different licensee upon approval by the State ~~Board~~-Agency and the Township as provided in Section 10-307.

(f) Unchanged

### **Section 3 of Ordinance**

The Waterford Charter Township Code is amended by modifying subsection 10-300 to provide for site and building plans by the Planning Commission prior to a decision on the application by the Township Board to read as follows:

#### **Sec. 10-300. Overview of license application, approval and issuance procedure.**

(a) The license procedure involves ~~four (4)~~ five (5) stages which are: (i) Application to Township Clerk, (ii) Application review and processing by Township personnel, (iii) Review of the Planning Division application by the Zoning Official and by the Planning Commission, under Section 4-004 of the Zoning Ordinance, and report to Township Board (iv) Decision on license application by Township Board, and (iv) License issuance by Township Clerk. Supplemental Applications shall involve the ~~same four (4)~~: (i) Application to Township Clerk, (ii) Application review and processing by Township personnel (iii) Decision on license application by Township Board, and (iv) License issuance by Township Clerk stages, however the review and processing by Township personnel may be limited to information indicated in the Supplemental Application as having changed since the submission of the Application, as last amended prior to its denial.

(b)- (e) Unchanged

### **Section 4 of Ordinance**

Waterford Charter Township Code is amended by modifying subsection 10-301 to provide for site and building plans by the Planning Commission prior to a decision on the application by the Township Board to read as follows:

#### **Sec. 10-301. License application requirements.**

- (a) Unchanged
- (b) (1)-(9) Unchanged

(b) ~~(10) Scaled site and building plans of the proposed facility that comply with all license standards, terms, and conditions in Section 10-306, and containing plan sheets showing~~

~~property lines, building setbacks, elevations and floor plans, the purpose and use of all rooms, parking, walks, driveways, loading and unloading zones, fences, walls, landscaping, and all areas in which marihuana will be received, stored, grown, cultivated, manufactured, processed, packaged, loaded, unloaded, handled, tested, displayed or dispensed. The plans shall also describe and depict the size, location, text, symbols, and graphics, and actual appearance of all proposed signs at or for the facility.~~

(b) (11)- (24) Shall be renumbered to (b) (10)-(23)

(b)(25) Any other information the Named Applicant wants the Township Board or Township personnel involved in reviewing and providing reports on the application to consider. Except for communications with the Township Clerk's office regarding administratively incomplete applications and at a public meeting of the Township Board, APPLICANTS ARE PROHIBITED FROM COMMUNICATING WITH TOWNSHIP BOARD MEMBERS OR TOWNSHIP PERSONNEL PERFORMING REVIEWS OF THE APPLICATION. HOWEVER, APPLICANTS MAY COMMUNICATE WITH THE PLANNING DIVISION PERSONNEL CONCERNING THE PLANNING DIVISION APPLICATION AND SITE PLAN REVIEW UNDER THE ZONING ORDINANCE. VIOLATION OF THIS PROHIBITION WILL RESULT IN DENIAL OF THE APPLICATION.

(b) (26) A signed Waiver of claims agreement provided with the application.

(c) Unchanged

(d) An applicant shall also be required to provide a Planning Division application for site plan review to the Clerk's Office that contains scaled site and building plans of the proposed facility that comply with all license standards, terms, and conditions in Section 10-306, and containing plan sheets showing property lines, building setbacks, elevations and floor plans, the purpose and use of all rooms, parking, walks, driveways, loading and unloading zones, fences, walls, landscaping, and all areas in which marihuana will be received, stored, grown, cultivated, manufactured, processed, packaged, loaded, unloaded, handled, tested, displayed or dispensed. The plans shall also describe and depict the size, location, text, symbols, and graphics, and actual appearance of all proposed signs at or for the facility.

~~(e)~~ The Township Board will only consider and act on Applications that are administratively complete as required in subsection (b), ~~and in the case of multiple applications for the same type of facility license, will consider them in the order they were administratively completed with the Clerk's office.~~ and that have been reviewed by the Planning Commission in accordance with Section 4-004. of the Zoning Ordinance. ~~Timely and complete Supplemental Applications shall be considered before new Applications for the same newly available license(s) and shall be placed on a Township Board Agenda for consideration in the same order as they were first considered in the prior review process.~~ Named Applicants assume all risks of an administratively incomplete filing. The Clerk's office has no obligation or duty to review and determine if an Application is administratively complete prior to accepting it for filing.

(f) – (g) Unchanged

**Section 5 of Ordinance**

Waterford Charter Township Code is amended by modifying subsection 10-302 to provide for site and building plans by the Planning Commission prior to a decision on the application by the Township Board to read as follows:

**Sec. 10-302. License application review and processing.**

(a) – (b) Unchanged

(c) The reviews under subsection (b) are to be strictly limited to the application as received from the Township Clerk, and in addition to the listed items to be included, shall note any aspects of the application that are not in compliance with a license standard, term, or condition in Section 10-306, or that are not substantively complete with respect to the application requirements in Section 10-301(b). Township personnel shall not communicate with any Applicant regarding an application and Applicants are prohibited from communicating with any Township personnel who is to provide a report. However, the Zoning Official and Planning Department personnel may communicate with an Applicant regarding a Planning Division application and consideration by the Planning Commission. A violation of this prohibition shall be noted in the report that is filed and be grounds for denial of the application.

Commented [JS1]: Zoning Official has to speak with the Applicant for PC review. Do we remove the Zoning Official from department reviews and have PC review separate?

(d) Upon determining an Application to be administratively complete –and that the applicant has no outstanding obligations owed to the Township or outstanding Code violations, the Clerk’s office shall notify the Zoning Official that the Planning Division application may be reviewed and referred to the Planning Commission as provided in the Zoning Ordinance Section 4-404. The Zoning Official shall notify the Named Applicant of any additional information needed before the Planning Division application can be placed on a Planning Commission agenda. Once the Planning Commission has completed its review of each Planning Division application, it shall advise the Clerk of its recommendations.

(e) Upon receiving the reports required by subsection (b) and the Planning Commission recommendations required by subsection (d), the Clerk shall place the application on the Agenda of a regular meeting of the Township Board in accordance with the following:

- (1) If it is the only administratively complete application that has been filed with the Clerk for that type of facility license as determined under Section 10-302(a), it shall be placed on the next Agenda that is at least 10 days after the last report was received.
- (2) If at the time the last report is received there are one or more other administratively complete applications that have been filed with the Clerk for that type of facility license, it shall be placed on the first regular meeting Agenda that is at least 10 days after the Clerk receives the last review report by Township personnel for those other applications.

- (3) The Clerk shall provide written notice to the Named Applicant of the date and time of that meeting and that an authorized representative of the Named Applicant must be in attendance.
- (ef) Upon identifying the Township Board meeting at which an application will be considered, the Clerk shall provide each Board member with a copy of the application, which is exempt from disclosure under the Freedom of Information Act, the Planning Division application and Planning Commission recommendation, which are not exempt from disclosure, and each of the reports from Township personnel.

### **Section 6 of Ordinance**

Waterford Charter Township Code is amended by modifying subsection 10-303 to update the name of the state agency responsible for regulating marihuana facilities to read as follows:

- (a)-(d) (7) Unchanged
- (d) (8) Any Applicant is a member of the State Board Agency or Township Board.
- (e)- (i) Unchanged

### **Section 7 of Ordinance**

Waterford Charter Township Code is amended by modifying subsection 10-306 to provide for site and building plans by the Planning Commission prior to a decision on the application by the Township Board to read as follows:

#### **Sec. 10-306. License standards, terms, and conditions.**

Unless modified by the Township Board in its decision to approve a license, or modified by the Planning Commission, as provided below for site and building plans, the standards terms, and conditions in this Section are incorporated by reference in and shall be requirements of every facility license to be complied with at all times:

- (a) The facility shall be constructed, used, operated, and maintained in compliance with the application, as approved by the Township Board, or as approved by the Planning Commission for site and building plans, and requirements for licensure under this Ordinance, specifically including:
  - (1) All Township Board license approval conditions.
  - (2) All aspects and elements of the site and building plans submitted with the Planning Division application –unless changes are required to the site or building plans to meet the building and/or zoning codes, or, as otherwise approved by the Planning Commission consistent with the Zoning Ordinance.
  - (3) – (10) Unchanged

(b)- (u) Unchanged.

**Section 8 of Ordinance**

Waterford Charter Township Code is amended by modifying subsection 10-307 to update the name of the state agency responsible for regulating marihuana facilities to read as follows:

**Sec. 10-307. License Transfer Request and Requirement to Report Material Changes.**

(a) Unchanged

(b) A Named Applicant that has received conditional approval for a license and a licensee must report material changes to the State ~~Board~~ Agency before making material changes that require prior authorization from the State ~~Board~~ Agency. Material changes must be reported to the Township Clerk within 10 calendar days of the change. Material changes include but are not limited to the following:

- (1) Change in any owners, officers, members, managers or members listed in the application or license.
- (2) Change in entity name.
- (3) Any transfer, sale, or other conveyance of an interest in the entity.
- (4) For a safety compliance facility any change in its accreditation status by ISO or other accreditation body approved by the State ~~Board~~ Agency.
- (5) An applicant and a licensee have a duty to notify the Clerk in writing of any pending criminal charge, criminal conviction, felony, misdemeanor and violation of any law or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of marihuana, the MMFLA and of any State ~~Board~~ Agency fine or penalty imposed.

(c) Transfer of license or Changes to ownership: A Named Applicant may transfer a conditional approval and a licensee may transfer a license issued under this article, to a different entity or make changes to ownership, upon receiving written approval from the State ~~Board~~ Agency and the Township. In order to make a request for Township approval of a change in Applicants or a change in the corporate name, the Named Applicant or licensee must make a written request to the Township Clerk, indicating the current Named Applicant or licensee, the proposed changes to Applicants or licensee and provide the approval from the State ~~Board~~ Agency for the change. The Clerk shall also be provided with the information in Section 10-301 (2) for changes to the Named Applicant or licensee and information in Section 10-301 (3) for changes to the Applicants/licensees. Proposed new Applicants and new license holders may not owe any outstanding obligations to the Waterford Township and shall attest to that in their request to the Clerk.

(1) A change in business name without a change in ownership requires a fee of \$200 paid to the Township. If a Named Applicant or licensee is changing its business name and not making any changes to the Applicants, the Clerk may issue a license in the name of the new entity when all other requirements in this article are met. If the Named Applicant or

licensee is removing one or more Applicants or owners without adding new ones, the Clerk shall accept and file the State ~~Board~~-Agency approval of the change.

(2) If the change involves a request to add new Applicants or licensees, or a full transfer of ownership, a transfer application fee of \$2,500 shall be paid to the Township. The Clerk shall provide the transfer application information to Assessing, Treasurer, DPW and the Police Chief. The reporting individuals shall provide their written report to the Clerk within twenty (20) days of receiving the request for a report. The Clerk shall place the transfer request on a Township Board of Trustees meeting agenda. The Township Board shall grant the request so long as there has not been any delinquent property taxes or special assessments owed to the Township by any of the new owners, the State ~~Board~~-Agency authorized the transfer, and the proposed license or application changes meet all requirements outlined in this article. The Township reserves the right to decline any transfer of a license which occurs within the first year of its original issuance.

- (d) Failure to report a Material Change to the Clerk within 10 days of the change is grounds for suspension or revocation of a license or conditional approval.
- (e) No transfer of a location shall be permitted.

**Section 9 of Ordinance. Severability**

Should any Section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**Section 10 of Ordinance. Repealer**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 11 of Ordinance. Effective Date**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on \_\_\_\_\_, 2023.

CHARTER TOWNSHIP OF WATERFORD

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Kimberly F. Markee, Township Clerk

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2023-Z-013

**ADULT USE MARIHUANA TEXT AMENDMENTS TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to add definitions, land use regulations, conditions, and approval and fee requirements to allow and reasonably regulate licensed adult use marihuana establishments consistent with state laws.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended to add Marihuana Adult Use Establishment Uses and Defined Terms to read as follows:

**MARIHUANA ADULT ESTABLISHMENTS USES DEFINED TERMS.**

**Adult Use Marihuana Establishment.** A specific location that has and is in compliance with medical marihuana and adult use marihuana state and township license to operate as a medical/adult use grower, medical/adult use safety compliance facility, medical/adult use processor, provisioning center/retailer or medical/adult use secure transporter.

**Adult Use State License.** A license issued under the MRTMA allowing a person to operate an adult use marihuana grower, processor, retailer, safety compliance establishment or secure transporter.

**Adult Use Marihuana Establishment Township License.** A license issued by the Township under the Marihuana Adult Use Establishment Licensing Ordinance codified in Division 13 of Article III in Chapter 10 of the Waterford Charter Township Code of Ordinances.

**Licensed Marihuana Adult Use Grower.** An establishment that has and is in compliance with medical and adult use marihuana state and township licenses, and is in compliance with the MMFLA, MRTMA, Rules, and Tracking Act, that cultivates, sells or otherwise transfer marihuana to licensed marihuana establishments.

**Licensed Marihuana Adult Use Processor.** An establishment that has and is in compliance with medical and adult use marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA MRTMA, Rules, and Tracking Act, which is licensed to obtain marihuana from marihuana establishments; process and package marihuana; sell or otherwise transfer marihuana to marihuana establishments.

**Licensed Marihuana Retailer.** An establishment that has and is in compliance with medical and adult use marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA, Rules, and Tracking Act, which is licensed to obtain marihuana from marihuana establishments to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**Licensed Marihuana Adult Use Safety Compliance Establishment.** An establishment that has and is in compliance with medical and adult marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA, MRTMA, Rules, and Tracking Act, which is licensed to test marihuana from marihuana including certification for potency and the presence of contaminants.

**Licensed Marihuana Adult Use Secure Transporter** means an establishment that has and is in compliance with medical and adult use marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA, MTRMA, Rules, and Tracking Act, which stores and transports medical marihuana between facilities for a fee.

**MRTMA.** The Michigan Regulation and Taxation of Marihuana Act, 2018 Initiated Law 1, MCL 333.27951 et seq.

**Rules.** The administrative rules promulgated to implement the MMFLA and MRTMA, R 420.1 et. seq.

## **Section 2 of Ordinance**

A new Section 2-605, Regulations for Adult Use Marihuana Establishments, is added in Division 2-6, Use Restrictions Applicable to all Zoning Districts, to read as follows:

### **SECTION 2-605. REGULATIONS FOR ADULT USE MARIHUANA ESTABLISHMENTS**

**1. Purpose and Intent.** The purpose and intent of this Section is to summarize where adult use marihuana establishments, as defined in Section 1-007 under Marihuana Adult Use Establishment Uses and Defined Terms, may be located under this Ordinance and establish approval procedures and regulations that must be complied with for an Adult Use Marihuana Establishment to be allowed as a permitted use.

**2. Approval Procedures, Conditions, Fees.**

A. All adult marihuana establishments use must be approved under the site plan review procedures and requirements in Section 4-004. An Adult Use Marihuana Establishment use of a zoning lot shall be reviewed under the Site Plan Review Procedures and Requirements in Section 4-004.

B. Compliance with all regulations in this Section shall be shown on the site plan or



otherwise documented in the site plan approval application, with such compliance to be a condition of every certificate of zoning approval or occupancy and every permit issued by the Township for that use.

- C. The regulations in this Section are regulations related to the use of land, from which variances may not be granted. If an adult use establishment is proposed for a building or zoning lot that is nonconforming, Section 2-702 shall apply in determining the level of required compliance with the regulations in this Section.
- D. In addition to the fees that apply to site plan review, if to demonstrate compliance with the regulations in this Section, a review or inspection by a Township employee or official is necessary before the site plan application can be completed, the applicant shall also pay the fees associated with that review or inspection in the amount established by resolution of the Township Board.
- E. Upon review under Section 4-004 the Planning Commission shall make a recommendation to the Board of Trustees as to whether they recommend or do not recommend change of use approval. The Board of Trustees shall make the final decision as to whether a change of use shall be granted and whether a Township Adult Use Establishment License shall be issued.

**3. Use Regulations for all Licensed Adult Use Marihuana Establishment Uses.**

Compliance with the following use regulations is required for licensed adult use marihuana growers, processors, retailers, safety compliance establishments, and secure transporters to be a permitted use in the zoning districts in which they are allowed:

- A. The Medical Marihuana Township License and the standards, terms, and conditions of that license under Section 10-306 of the Waterford Charter Township Code and the Medical Marihuana State License.
- B. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-702 for commercial zoning districts and 3-802 for higher intensity use zoning districts, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- E. The applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and with Division 2-4 and Division 2-8.
- F. All use, operations, and storage shall be in a fully enclosed building, with no marihuana to be visible from outside the building. However, contactless and limited contact service is permitted for retailers to accept online and telephone orders and payments for the order as well as curbside pick-up at the retailer location. The designated area for curbside service must be identified in the retailer scaled site and building plan and provided for in the security plan. Curbside service may not being

until the Township Clerk receives a copy of the operating procedure for curbside service, if it was not previously provided to the Township. The procedure must include an anti-theft plan.

- G. The smoking, inhalation, and consumption of marihuana on the premises is prohibited.
- H. The retail sale of marihuana and other products on the premises is prohibited with the exception of retailers where the retail sale of marihuana or paraphernalia for the use of marihuana is allowed.
- I. The Adult Use Marihuana State License and the MRTMA, Rules, and Tracking Act.

**4. Licensed Adult Use Marihuana Growers.** Licensed adult use marihuana growers are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.K, 3-807.4.K, and 3-709.3.D(7) of this Ordinance if the use regulations in subsection 3 are complied with.

**5. Licensed Adult Use Marihuana Processors.** Licensed adult use marihuana processors are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.K, 3-807.4.K, and 3-709.3.D(7) of this Ordinance if the use regulations in subsection 3 are complied with.

**6. Licensed Adult Use Marihuana Retailer.** Licensed adult use marihuana retailers are permitted on zoning lots in the C-2, Small Business, C-3, General Business, C-4, Extensive Business, and Summit Place Overlay Districts as provided in Sections 3-704.3.N, 3-705.3.U, 3-706.3.Z, and 3-709.3. of this Ordinance if the use regulations in subsection 3 and the following regulations are complied with:

- A. Restricted access areas that are not open to the public must be clearly marked and enforced.
- B. Drive through provisioning centers are prohibited.
- C. No free marihuana, paraphernalia, or other products shall be offered or distributed at or by the retailer.

**7. Licensed Adult Use Marihuana Safety Compliance Establishment.** Licensed adult use marihuana safety compliance establishments are permitted on zoning lots in the HT-1, High Tech Office, HT-2, High Tech Industrial and Office, M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-804.3.K, 3-805.3.K, 3-806.3.H, 3-807.3.E, and 3-709.3.D(8) of this Ordinance if the use regulations in subsection 3 are complied with.

**8. Licensed Adult Use Marihuana Secure Transporters.** Licensed medical marihuana secure transporters are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.3.H, 3-807.3.E,

and 3-709.3.D(8) of this Ordinance if the use regulations in subsection 3 are complied with.

### **Section 3 of Ordinance**

Section 3-704.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-2, Local Business District, is amended to add a new subsection N to read as follows:

- N. Licensed adult use marihuana retailers that comply with the applicable regulations in Section 2-605 (See *Marihuana Adult Use Establishments and Defined Terms in Section 1-007*).

### **Section 4 of Ordinance**

Section 3-705.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-3, General Business District, is amended to add a new subsection U to read as follows:

- U. Licensed adult use marihuana retailers that comply with the applicable regulations in Section 2-605. (See *Marihuana Adult Use Establishments and Defined Terms in Section 1-007*).

### **Section 5 of Ordinance**

Section 3-706.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-4, Extensive Business District, is amended to add a new subsection Z to read as follows:

- Z. Licensed adult marihuana retailers that comply with the applicable regulations in Section 2-604. (See *Marihuana Adult Use Establishments and Defined Terms in Section 1-007*).

### **Section 6 of Ordinance**

Section 3-709.3.D of the Waterford Township Zoning Ordinance that identifies the uses permitted in the M-1, Light Industrial District that are permitted principal uses in the Summit Place Overlay Zoning District, is amended to read as follows:

- D. The following permitted principal uses and permitted uses after wellhead protection compliance that are listed in Sections 3-806.3 and 3-806.4 as allowed in the M-1 District:
  - (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
  - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.

- (3) Outdoor storage as an accessory use for freight handling facilities permitted under subsection D (1), with no requirement that such storage be located to the rear of the principal building, but subject to the following:
  - (a) The outdoor storage is in trailers parked in designated trailer parking spaces or truck docks on the site.
  - (b) The outdoor storage is temporary, with stored items to be in the trailer that was or will be used to transport those items to or from the site.
  - (c) The outdoor storage shall not be located in a yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, Summit Drive, or an adjacent existing residential use.
  - (d) No truck shall be stored on the site for more than 15 consecutive days.
- (4) Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
- (5) Licensed medical marihuana growers and licensed medical marihuana processors after wellhead protection compliance that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
- (6) Up to six (6) medical marihuana primary caregivers after wellhead protection compliance that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
- (7) Licensed adult use marihuana secure transporters and licensed adult use marihuana safety compliance facilities that comply with the applicable regulations in Section 2-605. *(See Adult Use Marihuana Establishments and Defined Terms in Section 1-007).*
- (8) Licensed adult use marihuana growers and licensed adult use marihuana processors that comply with the applicable regulations in Section 2-605. *(See Adult Use Marihuana Establishments and Defined Terms in Section 1-007).*

### **Section 7 of Ordinance**

Section 3-804.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the HT-1, High Tech Office District, is amended to add a new subsection K to read as follows:

- K. Licensed adult use marihuana safety compliance facilities that comply with the applicable regulations in Section 2-605. *(See Adult Use Marihuana Establishments and Defined Terms in Section 1-007).*

### **Section 8 of Ordinance**

Section 3-805.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the HT-2, High Tech Industrial and Office District, is amended to add a new subsection K to read as follows:

- K. Licensed adult use marihuana safety compliance facilities that comply with the applicable regulations in Section 2-605. (*See **Adult Use Marihuana Establishments and Defined Terms in Section 1-007***).

#### **Section 9 of Ordinance**

Section 3-806.3 of the Waterford Township Zoning Ordinance, which lists permitted principal uses in the M-1, Light Industrial District, is amended to add a new subsection H to read as follows:

- H. Adult use marihuana secure transporters and licensed adult use marihuana safety compliance facilities that comply with the applicable regulations in Section 2-605. (*See **Adult Use Marihuana Establishments and Defined Terms in Section 1-007***).

#### **Section 10 of Ordinance**

Section 3-806.4 of the Waterford Township Zoning Ordinance that lists permitted uses after wellhead protection compliance in the M-1, Light Industrial District, is amended to add new subsections K to read as follows:

- K. Licensed adult use marihuana growers and licensed adult use marihuana processors that comply with the applicable regulations in Section 2-605. (*See **Adult Use Marihuana Establishments and Defined Terms in Section 1-007***).

#### **Section 11 of Ordinance**

Section 3-807.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the M-2, General Industrial District, is amended to add a new subsection E to read as follows:

- E. Licensed adult use marihuana secure transporters and licensed adult use marihuana safety compliance facilities that comply with the applicable regulations in Section 2-605. (*See **Adult Use Marihuana Establishments and Defined Terms in Section 1-007***).

#### **Section 12 of Ordinance**

Section 3-807.4 of the Waterford Township Zoning Ordinance that lists permitted uses after wellhead protection compliance in the M-2, General Industrial District, is amended to add new subsections K to read as follows:

- K. Licensed adult use marihuana growers and licensed adult use marihuana processors that comply with the applicable regulations in Section 2-605. (*See **Adult Use Marihuana Establishments and Defined Terms in Section 1-007***).

**Section 13 of Ordinance**

The effective date of this Ordinance shall be \_\_\_\_\_ or the 8<sup>th</sup> day after publication, whichever is later, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_ 2023.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly F. Markee, Township Clerk

Introduced:

Adopted:

Published:

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2023-Z-012

**MEDICAL MARIHUANA TEXT AMENDMENTS TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to provide for Planning Commission review of site plans prior to the review of a license application by the Township Board.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 2-604.2 of the Waterford Township Zoning Ordinance that specifies Approval Procedures, Conditions and Fees shall be amended to read as follows:

**2.604.2 Approval Procedures, Conditions, Fees**

A-D Unchanged

- E. Upon review under Section 4-004 the Planning Commission shall make a recommendation to the Board of Trustees as to whether they recommend or do not recommend change of use approval. The Board of Trustees shall make the final decision as to whether a change of use shall be granted and whether a Township Adult Use Establishment License shall be issued.

**Section 2 of Ordinance**

Section 2-604.4 of the Waterford Township Zoning Ordinance that specifies Use Regulations for all Licensed Medical Marihuana Uses shall be amended to read as follows:

**2.604.4 Use Regulations for all Licensed Medical Marihuana Uses.** Compliance with the following use regulations is required for licensed medical marihuana growers, processors, provisioning centers, safety compliance facilities, and secure transporters to be a permitted use in the zoning districts in which they are allowed:

- A. The Township Board approved ~~site, building, and~~ comprehensive facility operation and security plans for the ~~Grower’s medical marihuana license, which shall be submitted and considered as the site plan to be complied with.~~
- A-B. ~~The Township Board approved site plans, or if applicable, subsequent Planning Commission site plan approvals.~~
- B-C. To the extent not addressed in the Township Board license approved security plan, a detailed safety and security plan for marihuana, employees, and others at the

premises, and for neighboring residents, offices, and businesses must be submitted as a site plan document, and upon approval be complied with.

- ~~C~~.D. To the extent not addressed in the Township Board license approved facility operation plan, an operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted as a site plan document, and upon approval be complied with.
- ~~D~~.E. To the extent not addressed in the Township Board license approved facility operation plan, a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class shall be submitted as a site plan document and upon approval be complied with.
- ~~E~~.F. The Medical Marihuana Township License and the standards, terms, and conditions of that license under Section 10-306 of the Waterford Charter Township Code.
- ~~F~~.G. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-702 for commercial zoning districts and 3-802 for higher intensity use zoning districts, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- ~~G~~.H. The applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and with Division 2-4 and Division 2-8.
- ~~H~~.I. All use, operations, and storage shall be in a fully enclosed building, with no marihuana to be visible from outside the building. However, contactless and limited contact service is permitted for provisioning centers to accept online and telephone orders and payment for the order as well as curbside pick-up at the provisioning center location. The designated area for curbside service must be identified in the provisioning center scaled site and building plan and provided for in the security plan. Curbside service may not begin until the Township Clerk receives a copy of the operating procedure for curbside service, if it was not previously provided to the Township. The procedure must include an anti-theft plan.
- ~~I~~.J. The smoking, inhalation, and consumption of marihuana on the premises is prohibited.
- ~~J~~.K. The retail sale of marihuana and other products on the premises is prohibited with the exception of provisioning centers where the retail sale of medical marihuana or paraphernalia for the administration of medical marihuana to medical marihuana



qualifying patients is allowed.

K.L. The Medical Marihuana State License and the MMFLA, MMFLA Rules, and Tracking Act.

**Section 3 of Ordinance**

The effective date of this Ordinance shall be on the 8<sup>th</sup> day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly Markee, Township Clerk