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ROSATI | SCHULTZ
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October 8, 2020

Board of Trustees
Charter Township of Waterford
5200 Civic Center Drive
Waterford, MI 48329

RE: Proposed Medical Marijuana Facility Licensing Ordinance

Dear Township Board Members:

Provided with this letter is the referenced ordinance for possible introduction at your October 13, 2020 meeting. With this lengthy ordinance having been the product of several Work Sessions over the course of the summer, this overview is primarily for the benefit of the public. The authority for this ordinance is the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016. Under that Act, a municipality must adopt an ordinance to authorize medical marijuana facilities. Otherwise, the State will not issue its required license.

This ordinance is only for medical marijuana facilities. Recreational marijuana facilities as authorized by the voters in 2018 are not covered by this ordinance. Regarding recreational marijuana establishments, on May 28, 2019, you adopted Ordinance 2019-005, to prohibit recreational marijuana establishments in the Township.

This ordinance provides for Township licensing of up to two (2) of each of the medical marijuana facilities for which state licenses may be obtained. As listed in **Section 10-298(a)**, those facilities are Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secure Transporters. As also provided in that section, the annual fee for each of these licenses would be \$5,000, the maximum allowed by the Act.

Sections 10-291 through 10-297 of the Ordinance identify the name, purpose, and Township Board's intent regarding the Ordinance, followed by definitions and explanations of how this ordinance relates to federal and state laws, protections of the Township from liability, and that a Township license is required.

Section 10-299 includes a list of eight (8) threshold requirements that must be satisfied for a license to be applied for, approved, or issued, with the burden on the Applicant to determine that before submitting an application. Those minimum standards include minimum isolation/separation requirements of facilities from residentially-zoned property and child day care, educational, religious, and most recreational facilities.

As its title implies, **Section 10-300** provides an overview of the license application, approval and issuance procedures, with the actual application requirements in **Section 10-301**. In addition to general business license application requirements already in the Township's Ordinance Code,

the ordinance contains a list of 25 categories of information or documents that must be submitted for an application to be administratively complete. **Section 10-301** goes on to provide that the Township Board will only consider administratively complete applications and will do so in the order in which they were administratively completed with the Township Clerk's Office.

Section 10-302 provides for the Township Clerk's Office to review applications for administrative completeness and to send those which are on to 10 designated Township officials for reviews and reports on specified aspects of the applications. That section also provides guidelines for when applications are placed on a Township Board agenda for consideration.

Section 10-303 provides the Township Board's procedure and decision options on applications, with subsection (d) listing ten circumstances requiring an application to be denied.

For applications the Township Board is not required to deny, **Section 10-304** lists the 23 review criteria the Township Board may base its license decisions on in subsection (a), with subsection (b) confirming the official record upon which decisions are to be based.

Section 10-305 spells out the process for the Township Clerk to issue and annually renew licenses approved by the Township Board and confirms that there is no right to renewal of a license.

Section 10-306 contains a list of standards, terms, and conditions that will be considered requirements of every license that is issued.

Section 10-307 provides license applicants with a limited right to appeal to the circuit court from a Township Board decision on the applicant's application, with **Sections 10-208 and 10-309** simply confirming that licenses may be suspended or revoked and that violations of the ordinance or the terms and conditions of a license are municipal civil infractions.

As provided in **Section 10-293(e)** on the Township Board's legislative intent, if this Ordinance is adopted, a large number of applicants are anticipated for the limited number of facility licenses authorized. That factor goes a long way toward explaining the length of this Ordinance, which reflects an attempt to provide a comprehensive and uniform set of standards under which all license applications will be evaluated, considered, and decided under disclosed criteria in a fully transparent process.

If the Board is satisfied with this Ordinance as presented, a motion to introduce it and schedule it for possible adoption on October 26, 2020, would be the appropriate action.

If the Board would be satisfied with this Ordinance if certain changes were made, it has two (2) options. First, a motion to introduce the Ordinance and schedule it for adoption could be made if the specific changes are identified in the motion.

The second option would be a motion to postpone introduction to the October 26th meeting to allow time for specific changes identified in the motion to actually be made in the Ordinance text.

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Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Gary L. Dovre", with a long horizontal flourish extending to the right.

Gary L. Dovre

GLD/jah
Enclosure