



# CHARTER TOWNSHIP OF WATERFORD

## CLERK'S OFFICE

5200 Civic Center Dr. • Waterford, MI 48329

Phone 248-674-6266 • Fax 248-674-5455

Web Page [www.waterfordmi.gov](http://www.waterfordmi.gov)

## MEDICAL MARIHUANA FACILITY LICENSE APPLICATION

### Instructions

This Application form has been approved for use by the Township Board of Trustees and must be used to apply for a Facility License under the Township's Medical Marihuana Facility Licensing Ordinance, codified in Sections 10-291 through 10-309 as Division 12 in Article III of Chapter 10 of the Waterford Charter Township Code ("Ordinance".)

One (1) paper hard copy original of this Application form and its required attachments with an electronic version of those documents in a media form acceptable to the Township Clerk's office must be personally filed with the Clerk's office with a nonrefundable application fee of \$5,000 for each license applied for. Applications will not be accepted for filing until Monday, January 4, 2021. All information on this Application must be completed and all information and documents in the attached Information/Documents Checklist must be marked and attached in that order.

An Application may be submitted for multiple types of Facility Licenses (Grower, Processor, Provisioning Center, Safety Compliance Facility, and Secure Transporter) at the same location by the Named Applicant. No more than one (1) of each type of Facility License may be applied for at a single location.

Any questions regarding this Application or the Ordinance must be submitted in writing to the Clerk's office and will be responded to in writing on the Township's website for Medical Marihuana Facility Licensing.

### CLERK'S USE ONLY

Date Received: \_\_\_\_\_ Date Non-Refundable Application Fee(s) of \$ \_\_\_\_\_ paid: \_\_\_\_\_  
 (\$5,000 for each License applied for)

Time Received: \_\_\_\_\_

### 1. Type of Facility License(s) Applied For

Grower       Processor       Provisioning Center       Safety Compliance Facility       Secure Transporter

### 2. Named Applicant Information

NAMED APPLICANT (exact legal name of entity/person to hold license)		ADDRESS	
CITY		STATE	ZIP
EMAIL ADDRESS		PHONE	
NAMED APPLICANT'S CONTACT PERSON		ADDRESS	
CITY		STATE	ZIP
EMAIL ADDRESS		PHONE	
ASSUMED NAME(S), IF ANY, OF NAMED APPLICANT			

### 3. Proposed Facility Information

FACILITY ADDRESS			
PARCEL ID NUMBER		ZONING DISTRICT	
LEGAL DESCRIPTION (MAY BE ATTACHED AS APPLICATION DOCUMENT 1A)			
LEGAL NAME OF OWNER OF PROPOSED FACILITY LOCATION		ADDRESS	
CITY		STATE	ZIP
EMAIL ADDRESS		PHONE	
IF OWNER IS AN INDIVIDUAL, PROVIDE AGE OF OWNER			

#### AUTHORIZATIONS

By signing this Application, the Named Applicant authorizes the Township, through its agents or employees, to enter in and upon and inspect the proposed facility location, to seek information and conduct an investigation to verify the statements and information in and attached to this Application, and agrees to provide additional information requested by the Township for the reasonable pursuit of such investigation. By signing this Application, the owner of the proposed facility (if not the Named Applicant) authorizes this Application and the Township, through its agents or employees, to enter in and upon and inspect the proposed facility location.

#### NAMED APPLICANT AGREEMENT, ACKNOWLEDGEMENT, VERIFICATION, AND CERTIFICATION

This Medical Marihuana Facility License Application is under the Township’s Medical Marihuana Facility Licensing Ordinance, as adopted by Ordinance No. 2020-005 and amended by Ordinance No. 2020-006, The submission of this Application constitutes acknowledgment and agreement that the Applicant has a copy of that Ordinance and that the limited right to appeal a Township decision on an Application provided for in Ordinance Section 10-307 is the sole judicial relief and remedy available for challenging a Township decision on this Application. By signing this Application, the signatory for the Named Applicant represents that he or she is authorized to do so by, for, and on behalf of the Named Applicant, who hereby verifies that all property taxes and assessments for the proposed facility location are current and not delinquent, certifies that none of the conditions prohibiting this Application from being filed, as described in Section 10-299(a) of the Ordinance exist, and acknowledges that if this certification is false, that this Application will be denied and the Application Fee(s) shall be forfeited to the Township.

#### NAMED APPLICANT:

\_\_\_\_\_  
 Named Applicant Signature Date

\_\_\_\_\_  
 Printed Name Title

The Application was acknowledged before me under oath by \_\_\_\_\_, the authorized \_\_\_\_\_, of the Named Applicant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Notary Public  
 \_\_\_\_\_ County, Michigan  
 Acting in \_\_\_\_\_ County, Michigan  
 My Commission Expires: \_\_\_\_\_

#### OWNER OF FACILITY LOCATION:

\_\_\_\_\_  
 Owner of Facility Signature Date

\_\_\_\_\_  
 Printed Name Title

## **MEDICAL MARIHUANA FACILITY APPLICATION INFORMATION/DOCUMENT CHECKLIST**

This checklist of information/documents required for a complete Application is only a summary of information and documents described in subsections (1) – (25) of Ordinance Section 10-301(b) that appear on the following pages, and that are to be attached (or identified as attachments) to the Application marked with those numbers and in that order. **THOSE ORDINANCE REQUIREMENTS MUST BE FOLLOWED.**

- (1) Application and prequalification for corresponding State license under MMFLA and State Rules.
- (2) Named Applicant information specified in Ordinance Section 10-301(b)(2), subsections a through c, and marked to correspond to those subsection letters.
- (3) Detailed information specified in Ordinance Section 10-301(b)(3), subsections a through k, on separate pages for the Named Applicant and each of the **other Applicants (see attached Ordinance definition.)**
- (4) Written consents or approvals of proposed facility by all Applicants (as defined in Ordinance).
- (5) Documentation of Named Applicant ownership or interest in property.
- (6) Written consent or approval of application by owners of property.
- (7) Title insurance policy, commitment or search for property.
- (8) Written consents or approvals of proposed facility by adjacent owners and occupants.
- (9) Written support for proposed facility by Township residents and property and business owners.
- (10) Scaled site and building plans for proposed facility.
- (11) Property owner approval of site and building plans.
- (12) Licensed architect/builder estimated construction cost for property and building improvements.
- (13) Sources of funding for estimated construction costs.
- (14) Contracts, if any, for site and building improvements, and estimated time to start and complete construction.
- (15) Comprehensive facility operation plan including everything specified in Ordinance Section 10-301(b)(15), subsections a through i, and marked to correspond to those subsection letters.
- (16) For provisioning centers, patient education plan and drug/alcohol awareness programs.
- (17) Employee information, including number, type, compensation, benefits and Township resident commitments/preferences.
- (18) Itemized projected annual budget with sources of operating capital and guaranteed funding.
- (19) Description of employee training and education to be provided.
- (20) Description of proposed community outreach/education plans and strategies.
- (21) Description of proposed charitable plans, commitments and strategies.
- (22) Proof of insurance.
- (23) \$10,000 bond payable to Township to defend Named Applicant challenges to Township decisions.
- (24) Conditional waiver of FOIA disclosure exemption for State license application documents.
- (25) **OPTIONAL:** Any other information the Named Applicant wants to have considered by the Township in reviewing, considering and acting on the Application.

## **MEDICAL MARIHUANA FACILITY LICENSING ORDINANCE EXCERPTS**

### **Sec. 10-294. Definitions.**

- (b) As used in this Ordinance, the following words, terms, and phrases shall have the meanings indicated.
- Applicants** means (i) the person in whose name a license is applied for as the Named Applicant, (ii) managerial employees of the Named Applicant, (iii) all persons who hold any direct or indirect ownership interest of more than 10% in the Named Applicant, (iv) the persons identified in Section 102(c) of the Act (MCL 333.27102(c)) based on the type of Named Applicant, and (v) any spouses of the persons identified in (i) – (iv).

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

- (a) Applications for a facility 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 Township Board as provided in Section 10-055. The filing of an application constitutes consent to inspection of the proposed facility location by employees or agents of the Township and agreement to the limited right to appeal a Township decision on the application provided for in Section 10-307 as the sole judicial relief and remedy available for challenging such decision.
- (b) The Application shall consist of one (1) paper original 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 facility license applied for, certifies under oath that none of the conditions prohibiting the application from being filed as described in Section 10-299(a) exist, and contains the information required in subsections (a) – (c), (g), (j), and (k) of Section 10-071. The following information shall be attached to the application form on separate documents prepared by the Named Applicant and numbered (1) to (25) to correspond to those numbers in this subsection. All application information, specifically including all disclosures, plans, programs, and commitments, must be prepared and submitted with the understanding and expectation that compliance with those disclosures, plans, programs, and commitments shall be conditions of the facility license applied for.
- (1) Copy of the application filed and prequalified under the Rules as satisfying the requirements of MCL 333.27401(1) in the Act and the Rules for the corresponding state license.
- (2) For the Named Applicant, all of the following information:
- a. If other than an individual, documentation of when, where, and for what purposes the entity was formed and the articles of incorporation, bylaws, and any agreements under which the entity was formed and operates.
  - b. Documentation of good standing and authority to do business in Michigan.
  - c. All assumed or other names under which the Named Applicant does business.
- (3) For each of the Applicants, including the Named Applicant, all of the following information:
- a. Name, position with, and interest held in Named Applicant, and residence addresses, property owned, and businesses operated in Township for the last 10 years, including tax parcel identification numbers for all properties.
  - b. Information and criminal records required by Sections 10-071(d) and (e).
  - c. Types, locations, and histories of past and current businesses conducted, including compliance with and violations of ordinances, codes and other laws.
  - d. Types, locations, and histories of other medical or recreational marihuana licensed or permitted businesses in Michigan and other states, including compliance with and violations of licenses and permits.
  - e. Types and histories of prior and current permits, licenses, franchises, contracts, or other approvals from state or local governments.
  - f. Prior dealings and contracts with the Township.
  - g. Presence in, proximity to, and economic, community, or other ties to the Township through offices, facilities, property ownership, Township residents employed, civic, community and charitable groups or causes supported, or otherwise.
  - h. References.
  - i. Prior bankruptcies and details.
  - j. Prior civil litigation and details.
  - k. Prior unfair labor practice complaints and details.
- (4) Written consents or approvals of facility by all Applicants.
- (5) Documentation of Named Applicant ownership or interest in property (deed, land contract, purchase agreement, lease, option to purchase or lease, or other.)

- (6) If Named Applicant does not own property, written consent or approval of application by all owners must be provided.
- (7) Title insurance policy, commitment, or search for property confirming ownership and identifying building, use, or other restrictions, and mortgages, liens, easements, and other encumbrances on property, with copies of all identified documents.
- (8) Written consents or approvals of proposed facility by owners and occupants of adjoining properties or areas of building proposed for use, if any.
- (9) Written support for proposed facility from Township property owners, business owners, and residents, if any.
- (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.
- (11) If Named Applicant does not own property, a signed document by all owners of the property approving the site and building plans must be provided.
- (12) A signed construction cost estimate for the property and building improvements shown on the site and building plans by a licensed architect or builder competent to provide such an estimate and dated no earlier than three (3) months before the application is submitted.
- (13) Documentation of the sources of funding for the estimated construction cost.
- (14) Contracts, if any, to construct or install any of the improvements on the site and building plans, and estimated time required to start and complete construction.
- (15) A comprehensive facility operation plan that complies with all license standards, terms, and conditions in Section 10-306 and that includes at least all of the following:
  - a. A security plan and narrative depicting and fully describing the manner and equipment by which the applicant will comply with the requirements of this Ordinance and any other applicable law, rule, or regulation, and the details of all security arrangements to protect the facility and the safety of its employees and members of the public who are lawfully on the premises of the facility. Each facility must be protected by one (1) or more private security guard or private security police personnel covered by a license issued under Public Act 330 of 1968, as amended, that are lawfully armed with a firearm and present 24 hours a day, 7 days a week, with two (2) such guards required at provisioning centers during business hours, with one stationed indoors and the other stationed outdoors.
  - b. For grower and processor facilities, a plan that specifies the methods to be used to ensure compliance with restrictions and limitations on discharges into the wastewater system of the Township and the quantity of water to be used and proposed water supply and service pipes, meters, and plumbing for the facility that has been reviewed and approved by the Public Works Official.
  - c. A lighting plan showing the lighting inside and outside of the facility building.
  - d. A plan for disposal of any marihuana or marihuana-infused product not sold to a patient or primary caregiver that protects any portion thereof from being possessed, used or ingested by any person or animal.
  - e. A plan for ventilation of the facility that describes the ventilation and filtration systems that will be used to prevent any odor of medical marihuana off the premises of the business and how the system will be monitored and tested at the licensee's expense to meet all requirements of this Ordinance and the Act, Rules, State license, and other laws and rules regarding odor control and ventilation. For grower facilities, such plan shall also include all ventilation and filtration systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the facility. For processor facilities, such plan shall also include all ventilation and filtration systems used to mitigate and control noxious gases or other fumes used or created as part of the production and processing process.
  - f. A description of all herbicide, pesticide, fertilizer, chemicals, and all toxic, flammable and combustible materials that will be used or kept at the facility, the location of such materials, and how such materials will be stored, used, and disposed of.
  - g. A statement and description by a Michigan licensed electrician of the amount of the projected daily average and peak electric load that will be used by the facility, the electrical wiring and equipment existing or to be installed

- on the premises to service and meet the demands of the facility, and certification that the premises is or will be equipped in accordance with all applicable codes, to safely receive, use, and dispose of the anticipated and required electric load for the facility.
- h. A statement and description by a Michigan licensed plumber of the amount of the projected daily average and peak quantity of water that will be used by the facility, the plumbing and equipment existing or to be installed on the premises to service and meet the water demands of and wastewater discharges from the facility, and certification that the premises is or will be equipped in accordance with all applicable codes, to safely receive, use, and dispose of the anticipated water for and wastewater from the facility.
  - i. Proposed hours of operation, which for provisioning centers shall not exceed the hours specified in Section 10-306(l).
- (16) For provisioning centers: (a) a patient education plan that details benefits or drawbacks of marihuana strains or products that will be available at the facility in connection with the debilitating medical conditions set forth in the MMMA; and (b) a description of drug and alcohol awareness programs that shall be provided or arranged for by the applicant and made available for the public.
  - (17) The number and type of full and part time jobs that the facility is expected to create, the amount and type of compensation to be paid and benefits to be provided for such jobs, and the commitment or preference to be given to employing Township residents.
  - (18) The projected annual budget of the facility that itemizes all expenses, revenue, and sources of operating capital, and any personal guarantees by individual Applicants to provide funding for operations.
  - (19) A description of the training and education that the Named Applicant will provide to all employees.
  - (20) A description of any community outreach/education plans and strategies proposed to be undertaken and committed to by the Named Applicant.
  - (21) A description of any charitable plans, commitments, and strategies, whether fiscally or through volunteer work, proposed to be undertaken in the community or elsewhere and committed to by the Named Applicant.
  - (22) 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.
  - (23) 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 the person that paid the bond. The bond shall remain on file until expiration of the time for claiming an appeal under Section 10-307, after which it shall be returned or released if no Claim of 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.
  - (24) A waiver of the exemption from Freedom of Information Act disclosure of the application documents under the Act (MCL 333.27205(4)), if a Township decision on a license applied for by the Named Applicant is challenged.
  - (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. VIOLATION OF THIS PROHIBITION WILL RESULT IN DENIAL OF THE APPLICATION.

**MEDICAL MARIHUANA FACILITY LICENSE APPLICATION SURETY BOND**

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_, as Principal, and \_\_\_\_\_, as Surety, are held and firmly bound unto the Charter Township of Waterford (herein called Township), in the amount of \$ 10,000.00, for the payment of which Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

WHEREAS, Section 10-301(b)(23) of the Township Medical Marihuana Facility Licensing Ordinance ("Ordinance") requires a bond in this amount to be filed as part of an Application for a Township Medical Marihuana Facility License, and Principal, as the Named Applicant will be filing an Application for one or more of such Licenses, referred to in this Bond as the "Application"; and

WHEREAS, the purpose of this Bond is to provide funds for use by the Township for costs and attorney fees incurred in defending an action challenging a Township decision on the Application as described in the Condition of this Bond.

NOW, THEREFORE, THE CONDITION OF THIS BOND is that if 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 Application or money damages based on the Township decision, is not filed or commenced by Principal, any other Applicant as defined in the Ordinance, or any person on behalf of the Principal, and after 21 days from the Township's final decision, the Principal 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 officials, employees, or agents based on the decision, this obligation shall be null and void. Otherwise it shall remain in full force and effect until the expiration of six (6) years after the date of the Township's final decision.

Upon Principal, any other Applicant as defined in the Ordinance, or any person on behalf of the Principal, filing or commencing 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 Application or money damages based on a Township decision, the full amount of this bond shall be paid by Surety to the Township within 30 days after the Township's written Demand for Payment to Principal and Surety that shall be sent by registered mail or overnight delivery service.

If Surety has paid the full amount this Bond within the time required by a Township Demand for Payment, after a final and unappealable court or agency decision on the Township decision on the Application, any amounts of the Bond proceeds not used by the Township for costs and attorney fees in defending the Township decision on the Application shall be returned to Surety without interest.

PRINCIPAL

Date: \_\_\_\_\_

\_\_\_\_\_  
(See attached notarization of signature)

SURETY

Date: \_\_\_\_\_

\_\_\_\_\_  
(See attached notarization of signature)

**MEDICAL MARIHUANA FACILITY LICENSE APPLICATION SURETY BOND**

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_, as Principal, and \_\_\_\_\_, as Surety, are held and firmly bound unto the Charter Township of Waterford (herein called Township), in the amount of \$ 10,000.00, for the payment of which Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

WHEREAS, Section 10-301(b)(23) of the Township Medical Marihuana Facility Licensing Ordinance ("Ordinance") requires a bond in this amount to be filed as part of an Application for a Township Medical Marihuana Facility License, and Principal, as the Named Applicant will be filing an Application for one or more of such Licenses, referred to in this Bond as the "Application"; and

WHEREAS, the purpose of this Bond is to provide funds for use by the Township for costs and attorney fees incurred in defending an action challenging a Township decision on the Application as described in the Condition of this Bond.

NOW, THEREFORE, THE CONDITION OF THIS BOND is that if 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 Application or money damages based on the Township decision, is not filed or commenced by Principal, any other Applicant as defined in the Ordinance, or any person on behalf of the Principal, and after 21 days from the Township's final decision, the Principal 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 officials, employees, or agents based on the decision, this obligation shall be null and void. Otherwise it shall remain in full force and effect until the expiration of six (6) years after the date of the Township's final decision.

Upon Principal, any other Applicant as defined in the Ordinance, or any person on behalf of the Principal, filing or commencing 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 Application or money damages based on a Township decision, the full amount of this bond shall be paid by Surety to the Township within 30 days after the Township's written Demand for Payment to Principal and Surety that shall be sent by registered mail or overnight delivery service.

If Surety has paid the full amount this Bond within the time required by a Township Demand for Payment, after a final and unappealable court or agency decision on the Township decision on the Application, any amounts of the Bond proceeds not used by the Township for costs and attorney fees in defending the Township decision on the Application shall be returned to Surety without interest.

PRINCIPAL

Date: \_\_\_\_\_

\_\_\_\_\_  
(See attached notarization of signature)

SURETY

Date: \_\_\_\_\_

\_\_\_\_\_  
(See attached notarization of signature)



**MEDICAL MARIHUANA FACILITY LICENSE IRREVOCABLE BANK LETTER OF CREDIT**

IRREVOCABLE STANDBY LETTER OF CREDIT

Issue Date: \_\_\_\_\_ Letter of Credit No. \_\_\_\_\_

Beneficiary:  
Charter Township of Waterford  
5200 Civic Center Drive  
Waterford, MI 48329

We hereby open and establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in your favor for the account of \_\_\_\_\_(Named Applicant) in the amount of Ten thousand and 00/100 U.S. Dollars (\$10,000.00), available by your demand upon presentation of:

1. Your draft(s) drawn on us, payable at sight. Each draft must be marked, "Drawn under \_\_\_\_\_(Bank), Irrevocable Standby Letter of Credit No. \_\_\_\_\_."
2. A statement on your stationery addressed to \_\_\_\_\_(Bank) signed by your purportedly authorized representative stating as follows:

"Under the Charter Township of Waterford Medical Marihuana Facility Licensing Ordinance ("Ordinance"), your Letter of Credit was provided as the bond required for an Application for a Facility License by \_\_\_\_\_ (Named Applicant.) Under Section 10-301(b)(23) of the Ordinance the Beneficiary's Draft for the full amount of your Letter of Credit is immediately payable because the Named Applicant, other Applicant as defined in the Ordinance, or person on behalf of the Named Applicant has filed or commenced a complaint, petition, claim of appeal, or other proceeding with a court or governmental administrative agency, challenging, contesting, or otherwise seeking to invalidate a decision or money damages based on a decision by the Charter Township of Waterford on a Facility License Application by \_\_\_\_\_(Named Applicant) under the Ordinance."

3. The original of this Letter of Credit and the original of all amendments hereto.

Each presentation must be made in person or by commercial overnight delivery service, to:

**[Location must be in Oakland County, Michigan]**

\_\_\_\_\_ (BANK INFORMATION)

\_\_\_\_\_

Attention: \_\_\_\_\_

We warrant that we will honor each draft under this Letter of Credit, up to its remaining amount, upon your complying presentation to us on or prior to the applicable expiration date. Our obligation under this Letter of Credit is our individual obligation, not contingent in any way upon our reimbursement or our ability to perfect any lien or security interest.

This Letter of Credit cannot be amended, modified or revoked without the written consent of Beneficiary and is not transferable.

We acknowledge that the bond under Section 10-301(b)(23) of the Charter Township of Waterford Medical Marihuana Facility Licensing Ordinance that this Letter of Credit is provided to satisfy is required until the earlier of: (1) 21 days after the Township's final decision on the Named Applicants Application for Facility License(s) and the Named Applicant and all other Applicants (as defined in that Ordinance) providing the Township with a signed written agreement that waives any and all rights to apply for leave to appeal from the Township's decision or file any other court or governmental agency complaint, petition, or other proceeding against the Township or its officials, employees, or agents based on the Township's final decision, or (2) the expiration of six (6) years after the date of the Township's final decision. This Letter of Credit is issued on the condition that Beneficiary will provide us with prompt written notice when the bond represented by this Letter of Credit is no longer required.

If an Expiration Date is stated on this Letter of Credit, it is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment or further action other than our written notice to Beneficiary of such an extension for successive periods of at least one year, unless at least thirty (30) days prior to an Expiration Date we mail you our notice by registered or certified mail, or send such notice by overnight courier of national reputation, at your address set forth herein, informing you that the Letter of Credit will not be automatically extended (a "Notice of Non-Renewal"). Upon receipt of any Notice of Non-Renewal you may draw on us up to the amount then available under this Letter of Credit by presenting to us in accordance with the terms hereof on or before the Expiration Date, accompanied by the original of this Letter of Credit (and any amendments thereto), a Sight Draft, and payment demand signed by an authorized representative of the Beneficiary that includes the following written statement: "A bond is still required from \_\_\_\_\_ (Named Applicant) under the Charter Township of Waterford Medical Marihuana Facility Licensing Ordinance, \_\_\_\_\_ (Named Applicant) has failed to deliver to the Beneficiary a substitute letter of credit to replace this Letter of Credit, and the Charter Township of Waterford is entitled to draw on this Letter of Credit and is requesting payment."

This Letter of Credit is subject to the substantive laws of Michigan, including, without limitation, Article 5 of the Uniform Commercial Code (the "Code") and, except as provided below, will also be subject to the International Standby Practices as published by the International Chamber of Commerce in ICC Publication No. 590 in 1998 (the "ISP98") and engages us in accordance with the terms thereof. In the event of any conflict between this Letter of Credit and the Code or ISP98, this Letter of Credit will prevail to the extent permitted by applicable law; and in the event of any conflict between ISP98 and the Code, the Code will prevail. This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amplified or limited by reference to any other document, instrument, or agreement.

\_\_\_\_\_  
(Bank)

\_\_\_\_\_  
By  
Its: