

## Chapter 105

### MARIHUANA BUSINESS LICENSING

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**[HISTORY: Adopted by the Township Board of the Charter Township of Rutland 4-13-2022 by Ord. No. 2022-180 (effective 05-21-2022).]**

#### PREAMBLE

An ordinance to amend the Rutland Charter Township Code by adding as new Chapter 105 various provisions pertaining to the licensing of certain types of marihuana businesses that are not prohibited from the Township, pursuant to the general authority of the Township under the Charter Township Act to enact ordinances considered necessary to provide for the public peace and health and for the safety of persons and property in the Township, including prescribing the terms and conditions upon which licenses may be granted or revoked (MCL 42.15), and to regulate the conduct of

business in the Township (MCL 42.17), and pursuant to the ordinance authority of the Township under the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 et seq) and the Michigan Medical Marihuana Facilities Licensing Act (MCL 333.27101 et seq).

### **§ 105-1. Title**

This Ordinance shall be known and may be cited as the Rutland Charter Township Marihuana Business Licensing Ordinance.

### **§ 105-2. Purpose**

The purpose of this Ordinance is to license certain types of adult use marihuana business establishments that are not prohibited from the Township, as further provided herein. The Township finds the activities associated with the types of marihuana businesses allowed in the Township are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to prescribe the terms and conditions upon which licenses for such businesses may be issued; and also to provide a method to defray application, administrative and enforcement costs associated with the licensing and operation of such businesses in the Township. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for otherwise lawful personal marihuana use found in the Michigan Regulation and Taxation of Marihuana Act ("MRTMA") or the Michigan Medical Marihuana Facility Licensing Act ("MMFLA").

### **§ 105-3. Definitions**

As used in this Ordinance, including in this section, the following words and terms shall have the meanings stated herein:

**Applicant** means an entity or individual seeking a Municipal License pursuant to this Ordinance.

**Department** means the Michigan Department of Licensing and Regulatory Affairs or its successor agency.

**Marihuana** means that term as defined in the MRTMA.

**Marihuana Business** includes a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana safety compliance facility, and/or marihuana secure transporter under the MRTMA; and a medical marihuana grower, medical marihuana processor, medical marihuana provisioning center, medical marihuana safety compliance facility, and/or medical marihuana secure transporter under the MMFLA. This term is synonymous with the term "marihuana establishment"; except this term does not include any type of marihuana business that may be licensed by the state under the MRTMA or MMFLA that is not specifically and explicitly included in this definition, and is also not intended to include any land use or activity that is

subject to a “special license” issued by the state pursuant to R 420.21 of the Michigan Administrative Code. Further, no provision of Chapter 220 of the Rutland Charter Township Code pertaining to a “temporary event” (such as §220-17-3.E.) is intended to apply to any type of marihuana business/marihuana establishment or related event.

**Marihuana grower** means a person licensed under the MRTMA to lawfully cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:

- Class A---100 marihuana plants.
- Class B---500 marihuana plants.
- Class C---2,000 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

**Marihuana microbusiness** means a person licensed under the MRTMA to lawfully cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

**Marihuana processor** means a person licensed under the MRTMA to lawfully obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

**Marihuana retailer** means a person licensed under the MRTMA to lawfully obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**Marihuana safety compliance facility** means a person licensed under the MRTMA to lawfully test marihuana, including certification for potency and the presence of contaminants.

**Marihuana secure transporter** means a person licensed under the MRTMA to lawfully obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

**Medical marihuana grower** means a licensee under the MMFLA that is a commercial entity located in this state that lawfully cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:

- Class A---500 marihuana plants.
- Class B---1,000 marihuana plants.
- Class C---1,500 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

**Medical marihuana processor** means a licensee under the MMFLA that is a commercial entity located in this state that lawfully purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

**Medical marihuana provisioning center** means a licensee under the MMFLA that is a commercial entity located in this state that lawfully purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is lawfully sold at retail to registered qualifying patients or registered primary caregivers.

**Medical marihuana safety compliance facility** means a licensee under the MMFLA that is a commercial entity that lawfully takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**Medical marihuana secure transporter** means a licensee under the MMFLA that is a commercial entity located in this state that lawfully stores marihuana and transports marihuana between marihuana facilities for a fee.

**MMFLA** means the Medical Marihuana Facilities Licensing Act (MCL 333.27101 et seq).

**MRTMA** means the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 et seq).

**Municipal License** means a license approved by the Rutland Charter Township Board and issued by the Township Clerk for a marihuana business pursuant to this Ordinance, contingent on issuance of an operating license by the State of Michigan for the marihuana business under the MRTMA or the MMFLA.

**Operating License** means a license issued by the State of Michigan for the operation of a Marihuana Business pursuant to the MRTMA and/or MMFLA.

**Person** means an individual, or an entity of any kind, as applicable in the context of the usage of the term in this Ordinance.

**Stakeholder** means “Applicant” as defined under the administrative rules promulgated by the agency under the authority of the MMFLA, the Marihuana Tracking Act, the MRTMA, and Executive Reorganization Order No. 2019-2, MCL 333.27001.

**Township** means Rutland Charter Township.

**§ 105-4. Types of marihuana businesses subject to municipal license approval**

A. Non-prohibited types of Marihuana Business. The following types of Marihuana Business as defined in this Ordinance are not completely prohibited in this Township and may apply for and be issued a Municipal License pursuant to the requirements of this Ordinance:

- Marihuana Retailer
- Marihuana Microbusiness
- Marihuana Grower
  - Class A (not more than 100 plants)
  - Class B (not more than 500 plants)
  - Class C (not more than 2000 plants)
- Marihuana Processor
- Marihuana Safety Compliance Facility
- Marihuana Secure Transporter
- Medical Marihuana Grower
  - Class A (not more than 500 plants)
  - Class B (not more than 1000 plants)
  - Class C (not more than 1500 plants)
- Medical Marihuana Processor
- Medical Marihuana Provisioning Center
- Medical Marihuana Safety Compliance Facility
- Medical Marihuana Secure Transporter

Nothing in this Ordinance shall be construed to prohibit a MRTMA marihuana grower, processor, or retailer from lawfully operating at a location shared with a MMFLA marihuana grower, processor, or retailer, if a Municipal License has been issued pursuant to this Ordinance for each such type of Marihuana Business and an Operating License has been issued by the state for each such type of Marihuana Business.

B. Prohibited types of Marihuana Business. Any type of marihuana establishment or land use or activity that is not explicitly specified in Section 4.A. of this Ordinance is completely prohibited within the boundaries of this Township and shall therefore not be eligible to apply for or be issued a Municipal License pursuant to this Ordinance or be eligible for an Operating License issued by the state under the MRTMA or MMFLA for any location in this Township.

## **§ 105-5. Municipal License Application Requirements and Procedures**

A. Application form. An Applicant for a Municipal License for a type of Marihuana Business that is not prohibited in this Township pursuant to Section 4.A. of this Ordinance shall file an application in the Township Clerk's office upon a form provided by the Township. The application shall include all of the following to be considered administratively complete:

1. If the Applicant is an individual: the Applicant's name; date of birth; Social Security number; physical address, including residential and any business postal mailing address; copy of government-issued photo identification; email address; and one or more phone numbers, including emergency contact information.
2. If the Applicant is not an individual: the names; dates of birth; physical addresses, including residential and any business postal mailing address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the Applicant (with an ownership interest of 10% or greater), including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; (if a limited liability company) its articles of incorporation or organization, assumed name registration, Internal Revenue Service EIN confirmation letter, and copy of the operating agreement of the Applicant; (if a partnership) a copy of the partnership agreement; (if a Trust) the names and addresses of the beneficiaries; (if a corporation) or a copy of the articles of incorporation, bylaws, and any shareholder agreement.
3. The percentage ownership of each Stakeholder (with an ownership interest of 10% or greater).
4. The name and complete physical address of the proposed Marihuana Business, including the postal mailing address, and the property tax parcel identification number(s).
5. Evidence of all applicable zoning-related approvals by the Rutland Charter Township Planning Commission for the Marihuana Business for which a Municipal License is requested, including Special Land Use Permit approval and site plan approval (which may be in the form of the minutes of the Planning Commission meeting(s) at which such approvals were granted).
6. A location area map of the Marihuana Business and surrounding area that identifies the relative locations and the distances (closest property line to the subject Marihuana Business's building) reflecting the Applicant's compliance with the separation distance requirements provided under Section 220-20-7, Item 14 of the Zoning Ordinance.
7. A signed acknowledgment that the Applicant is aware of and understands that all matters related to marihuana growing, cultivation, possession, testing, safety

compliance and transporting are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the Applicant from abiding by the provisions and requirements or being subject to the penalties associated with those laws, rules, and regulations; and further, that the Applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Township, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action or attorney fees that the Applicant may incur as a result of any violation by the Applicant, its Stakeholders and its agents of those laws, rules, and regulations.

8. Signed acknowledgments in a form approved by the Township verifying that the Applicant and any associated Stakeholder(s) are not in default to the Township for any legal obligation, including property taxes on any real and/or personal property in the Township; verifying that the Applicant and any associated Stakeholders are authorized to submit the application; and verifying whether the Applicant or operator has had a business license revoked or suspended, and if revoked or suspended, the reason for such revocation or suspension.
9. A nonrefundable Municipal License application fee in the amount of \$5,000.00 (check or cash) for each non-prohibited type of Marihuana Business for which a Municipal License is requested. Note: the application fee paid by an Applicant for a Municipal License shall also be considered as the license fee for the first year of an issued Municipal License for that Marihuana Business, if an Operating License was issued by the state for that Marihuana Business. This Municipal License application fee is in addition to any other fees required pursuant to any other applicable ordinance; such as a special land use permit application fee and other zoning-related fees as may be required pursuant to Chapter 220 of the Rutland Charter Township Code.
10. Any other information the Township may reasonably require to enable the Township Board to evaluate the application pursuant to the standards specified in this Ordinance for approval of a Municipal License.

B. Disqualified Applicant. The following persons are disqualified as an Applicant for a Municipal License pursuant to this Ordinance:

1. Any person who is not eligible to apply for an Operating License from the state under the MRTMA or the MMFLA.
2. Any person who is, or within the preceding 24 months was, employed by the Township, acts as a consultant for the Township, or acts as an advisor to the Township, and is/was involved in the implementation, administration or enforcement of this Ordinance. In addition, no such person shall have a direct or indirect interest in a Marihuana Business for which a Municipal License is applied for or issued under this Ordinance.

- C. Review of application submission for administrative completeness. Upon receipt of an application including the application fee and other documents referenced herein, the Township Clerk or other authorized Township official shall review the application within 14 days to determine whether the application is complete. Contemporaneous with that determination the Clerk shall notify the Applicant of any deficiencies in the application submission, and the Applicant shall have 14 days from the date of such notification to correct the deficiencies. Any application submission that continues to be administratively incomplete after that 14 day period of time shall be administratively denied by the Clerk. The Clerk shall further process an administratively complete application as provided below.
- D. Submitting complete application to Township Board. Upon determining an application for a Municipal License to be administratively complete as specified above the Clerk shall provide a copy of the complete application to each member of the Township Board.
- E. Review of application by Township Board. The Township Board shall review each administratively complete application for a Municipal License at a public meeting held no later than 42 days after the Clerk has distributed the administratively complete application to the members of the Township Board, unless the Applicant has consented in writing to a deferral of that review to a specified subsequent Township Board meeting date. The Township Board may require the Applicant to be present at the meeting at which the application will be reviewed, and may decline to review the application if the Applicant or a reasonably suitable designee of the Applicant is not present as required.

**§ 105-6. Municipal License Approval/Denial by Township Board**

- A. Standards for Township Board approval of Municipal License Application. The Township Board shall approve an application for a Municipal License for a non-prohibited type of Marihuana Business pursuant to Section 4.A. this Ordinance upon determining all of the following:
  1. The parcel/lot upon which the Marihuana Business will be conducted (subject premises) is a lawful conforming lot or a lawful nonconforming lot pursuant to all applicable provisions of the Rutland Charter Township Zoning Ordinance (Chapter 220 of the Rutland Charter Township Code).
  2. All existing buildings and structures on the subject premises comply with all applicable provisions of the Rutland Charter Township Zoning Ordinance.
  3. All existing buildings and structures on the subject premises comply with all applicable provisions of the Rutland Charter Township State Construction Code Ordinance (Chapter 95 of the Rutland Charter Township Code), and any applicable Fire Code in effect in Rutland Charter Township.



4. Any new building or structure proposed to be erected on the subject premises will upon completion comply with all applicable provisions of the Rutland Charter Township Zoning Ordinance, Rutland Charter Township Construction Code Ordinance, and any applicable Fire Code in effect in Rutland Charter Township.
  5. The subject premises fully comply with all other applicable ordinances and codes administered by Rutland Charter Township.
  6. The application does not include any false or fraudulent statements or information, or any misrepresentation of fact.
  7. The Applicant is not a disqualified Applicant pursuant to Section 5.B. of this Ordinance.
  8. The Applicant and all Stakeholders are current in all financial obligations to the Township, personally and in connection with any business in the Township in which they hold an ownership interest, including real property taxes, personal property taxes, ordinance violation fines, permit fees, and any other lawful financial obligation to the Township.
- B. Mandatory reports from Township officials. The Township Board shall request and obtain such reports from the Zoning Administrator, Building Official, and Fire Chief as may be necessary to make a determination pursuant to Section 6.A. of this Ordinance.
- C. Grounds for Township Board denial of Municipal License Application. The Township Board shall deny an application for a Municipal License that does not meet all of the standards for approval specified in Section 6.A. of this Ordinance. In addition, the failure or refusal of an Applicant to allow the officials specified in Section 6.B. or their designees to inspect the subject premises sufficiently to make their required reports to the Township Board pursuant to that provision shall also be grounds for denial of an application for a Municipal License pursuant to this Ordinance.
- D. Notification of Applicant. The Clerk shall notify an Applicant in writing of Township Board approval or denial of a Municipal License application within 7 days after the Township Board action. A notice of denial of a Municipal License application shall specify the basis for the denial.
- E. Approval of Municipal License Application contingent on issuance of Operating License. Township Board approval of any Municipal License application pursuant to Section 6.A. shall be contingent on issuance of an Operating License by the state for that Marihuana Business and issuance of a Municipal License by the Clerk for that Marihuana Business pursuant to Section 7 of this Ordinance.

## **§ 105-7. Issuance of Municipal License by Clerk**

- A. Information from Applicant on status of Operating License. An Applicant to whom the Township Board has approved a Municipal License application pursuant to Section 6 of this Ordinance (the Licensee) shall inform the Clerk of all actions by the state relating to issuance or denial of an Operating License for the Marihuana Business for which the Municipal License application was approved, and all actions by the state relating to the suspension or revocation of that Operating License.
- B. Clerk issuance of Municipal License. Upon receiving proof of issuance of an Operating License by the state for a Marihuana Business for which a Municipal License application was approved by the Township Board pursuant to Section 6 of this Ordinance the Clerk shall within 7 days thereafter issue the approved Municipal License.
- C. Municipal License Application approval valid for one year. A Municipal License application approval by the Township Board pursuant to Section 6 of this Ordinance shall be valid for one year from the date of Township Board approval, and shall be void and cease to be of any effect if the Applicant (contingent licensee) does not file with the Clerk proof of issuance of a state Operating License for the Marihuana Business for which the Municipal License was approved by the Township Board within one year from the date of such Township Board approval.

## **§ 105-8. Operating Standards for approved and licensed marihuana business**

- A. Operating standards for approved and licensed Marihuana Business. Each Marihuana Business for which the Township has issued a Municipal License pursuant to Section 7 of this Ordinance and for which the state has issued an Operating License shall operate the Marihuana Business in accordance with the following at all times:
1. All applicable state laws, as may be enacted and/or amended from time to time.
  2. All applicable Administrative Rules issued by the state, as may be issued and/or amended from time to time.
  3. All applicable Township Ordinances/Codes, as may from time to time be adopted/amended.
  4. All conditions and/or requirements imposed on the state Operating License.

## **§ 105-9. Annual License Renewal**

- A. Expiration of Municipal License. A Municipal License issued by the Clerk pursuant to Section 7 of this Ordinance shall expire one year from the date of issuance by the Clerk, unless revoked by the Township Board prior to that expiration date pursuant to Section 10 of this Ordinance.
- B. Application for renewal of Municipal License. A Municipal License licensee intending to continue operating a licensed Marihuana Business beyond the Municipal License expiration date shall apply for a renewal of the Municipal License at least 30 days before the expiration date of the existing Municipal License. A Municipal License renewal application shall consist of both of the following to be processed by the Clerk:
1. A completed renewal application using the form prescribed by the Township for such matters.
  2. Payment of a \$5,000 annual license fee (check or cash), which shall be non-refundable upon receipt by the Clerk; provided the Township Board may in its discretion act by resolution to change the annual license fee to another amount not exceeding \$5,000.
- C. Clerk issuance of renewal of Municipal License. The Clerk shall issue a one year renewal of a Municipal License within 21 days of receiving the completed renewal application form and payment of the annual license fee upon determining all of the following:
1. No changes to the Marihuana Business have occurred in the preceding year that affect the prior Township Board approval of the Municipal License.
  2. There is no pending revocation of the Municipal License pursuant to Section 10 of this Ordinance.
  3. There is no pending action for a violation of this Ordinance pursuant to Section 11 of this Ordinance.
  4. The State Operating License for the Marihuana Business is in effect, and there is no pending action by the state to revoke or suspend that Operating License.
  5. This Ordinance remains in effect, either as adopted or as may have been amended subsequent to adoption, and there is no pending event which would cause this Ordinance to be automatically repealed in its entirety and cease to be in effect.

D. Non-renewal of Municipal License. The Clerk shall not issue a renewal of a Municipal License upon determining any of subsections 1-4 of preceding Section 9.C. is not met. A Marihuana Business for which a renewal license cannot be issued pursuant to this Ordinance shall cease all operations no later than the date of expiration of the existing Municipal License, and shall not thereafter resume such operations unless/until a new Municipal License has been approved by the Township Board pursuant to Section 6 of this Ordinance and has been issued by the Clerk pursuant to Section 7 of this Ordinance.

#### **§ 105-10. Revocation of Municipal License**

A. Grounds for Revocation. A Municipal License approved by the Township Board and/or issued by the Clerk pursuant to Section 6 of this Ordinance may be revoked by the Township Board on any of the following grounds:

1. Any violation of this Ordinance, as specified in Section 12 of this Ordinance.
2. Any conviction of the Licensee or any officers or personnel of the licensed Marihuana Business for delivery of a controlled substance to a minor.
3. Any revocation or suspension of the State Operating License for the Marihuana Business for which the Municipal License was approved/issued.
4. The Marihuana Business has become a public nuisance.
5. This Ordinance is repealed and ceases to be in effect pursuant to the occurrence of any of the events specified in Section 16.B. of this Ordinance.

B. Revocation procedure. The Township Board shall hold a public hearing on any proposed revocation of the Municipal License for a Marihuana Business at a regular meeting or special meeting of the Township Board. The Clerk shall give to the Licensee and the public Notice of the date, time, and place of the public hearing, and the asserted grounds for revocation, at least 21 days before the date of the public hearing. The Township Board shall have the burden of going forward with evidence supporting the asserted grounds for revocation in the Notice. The licensee shall be afforded a full and fair opportunity at the public hearing to present evidence and call witnesses relevant to the grounds for revocation stated in the Notice. The Township Board shall have the burden of proving any stated ground(s) for revocation by a preponderance of the evidence, and shall articulate in writing its findings of fact and conclusions of law with regard to each stated ground for revocation. The Clerk or the designee of the Clerk shall record these findings of fact and conclusions of law in the minutes of the public hearing/meeting.

- C. Revocation effective date. A Township Board decision to revoke a Municipal License shall take effect immediately, unless a subsequent effective date for the revocation is specified in the Township Board decision.
- D. Appeal of Revocation. A Township Board revocation of a Municipal License pursuant to this Section shall be subject to appeal to the Barry County Circuit Court or other Court with jurisdiction to hear such an appeal as may be specified in the Revised Judicature Act of the State of Michigan.

### **§ 105-11. Notices**

- A. Notice to Applicant/Licensee. Any notice from the Township to an Applicant or Licensee required by this Ordinance or otherwise relating to any provision of this Ordinance shall be sent by the Clerk or the Clerk's designee by email or regular first class postal mailing to the designated address on the application form required by Section 5.A.1. of this Ordinance, or to such other updated address as an Applicant/Licensee may specify on a Municipal License renewal application form or may otherwise provide the Clerk in writing for such purposes.
- B. Notice to Township. Any notice from an Applicant/Licensee to the Township shall be sent to the Clerk by email ([clerk@rutlandtownship.org](mailto:clerk@rutlandtownship.org)) or by regular first class postal mailing (2461 Heath Road, Hastings, MI 49058), or to such other updated address as the Clerk may specify to an Applicant/Licensee in writing for such purposes.

### **§ 105-12. Violations**

The following acts constitute a violation of this Ordinance:

1. Filing an application for a Municipal License pursuant to Section 5 of this Ordinance with any misrepresentation or false statement that is reasonably material to Township Board consideration of that application.
2. The operation or attempted operation of any type of Marihuana Business specified in Section 4.A. of this Ordinance in this Township without a valid Municipal License issued by the Clerk for that Marihuana Business being in effect and in good standing, or without a valid Operating License issued by the state for that Marihuana Business being in effect and in good standing.
3. The operation or attempted operation of any marihuana-related business establishment, enterprise or activity of any kind in this Township other than a type of Marihuana Business specified in Section 4.A.
4. Any operation or attempted operation of a Marihuana Business in this Township in violation of any provision of a Municipal License issued by the Township for

that Marihuana Business, or in violation of any provision of an Operating License issued by the state for that Marihuana Business.

5. Any operation or attempted operation of a Marihuana Business in this Township in violation of any statutory requirement or administrative rule applicable to that Marihuana Business.
6. Any operation or attempted operation in this Township of a Marihuana Business for which a Municipal License was issued but revoked, subsequent to the effective date of the license revocation pursuant to Section 10 of this Ordinance.
7. Any violation of the Operating Standards for a Marihuana Business in this Township as specified in Section 8 of this Ordinance.
8. Any activity on the premises of a Marihuana Business that causes or allows consumption of marihuana in a public place in this Township, except in such location, if any, as may be designated by the Township for consumption pursuant to any applicable laws and ordinances, and only when not accessible to persons under 21 years of age.

#### **§ 105-13. Applicability**

The provisions of this Ordinance shall be applicable to all persons and businesses described herein, including if the operations or activities associated with a Marihuana Business were established without authorization before the effective date of this Ordinance.

#### **§ 105-14. Enforcement and Sanctions for Violations**

- A. Administration/enforcement. This Ordinance shall be administered by the Township Clerk and Township Board as specified herein, and shall be enforced by the Ordinance Enforcement Officer(s) of the Township and by such other person or persons as the Township Board may designate.
- B. Sanctions for violations. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction and subject to the Schedule of Fines specified in §45-6 and all other applicable parts of Chapter 45 of the Rutland Charter Township Code.
- C. Liability for violations. Any person responsible for a violation of this Ordinance, whether as an Applicant, Licensee, agent, contractor, employee, or otherwise, shall be liable as a principle. Each day that a violation exists shall constitute a separate offense.

D. Public nuisance and remedies. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

#### **§ 105-15. Non-Severability**

All words, phrases, provisions and sections of this Ordinance are hereby deemed to be essential to fulfilling the intended purpose of this Ordinance. Accordingly, if any one or more words, phrases, provisions or sections of this Ordinance are declared to be invalid by a court of competent jurisdiction, this Ordinance in its entirety shall cease to be in effect.

#### **§ 105-16. Effective Date**

- A. Initial effective date. This Ordinance shall initially take effect on the latter of the following dates: the effective date of Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses); or 30 days after publication of a Notice of Adoption for this Ordinance No. 2022-180 as required by law.
- B. Causes of repeal after initial effective date. Upon initially taking effect this Ordinance shall remain in effect thereafter, subject to the following events, any of which shall cause this Ordinance to be automatically repealed in its entirety and cease to be in effect upon the occurrence of such an event:
1. Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses) is rejected by the electors pursuant to Section 402 of the Michigan Zoning Enabling Act (MCL 125.3402).
  2. Ordinance No. 2022-179 (amendments of Chapter 220 pertinent to Marihuana Business land uses) takes effect but is repealed by subsequent ordinance adoption action of the Rutland Charter Township Board.
  3. Any provision of this Ordinance No. 2022-180 is in any manner amended, superseded, or otherwise invalidated in whole or in any part by a petition-initiated ordinance approved by the electors pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27956(1)).
  4. Ordinance No. 2022-180 takes effect but is repealed by subsequent ordinance adoption action of the Rutland Charter Township Board.

## **§ 105-17. Repeal**

Upon the initial effective date of this Ordinance No. 2022-180, Ordinance No. 2019-167 completely prohibiting any marihuana establishment within the boundaries of Rutland Charter Township is repealed, to the extent of any conflicts with this Ordinance No. 2022-180 and/or Ordinance No. 2022-179; but such repeal is hereby expressly conditioned on this Ordinance No. 2022-180 and Ordinance No. 2022-179 continuing in effect after the initial effective date of each as specified in Section 16 of this Ordinance No. 2022-180 and Section 6 of Ordinance No. 2022-179. If this Ordinance No. 2022-180 or any part of same, or Ordinance No. 2022-179 or any part of same, ceases to be in effect subsequent to the initial effective date of each for any reason as specified in Section 16 of this Ordinance No. 2022-180 and Section 6 of Ordinance No. 2022-179, or otherwise, Ordinance No. 2019-167 shall be deemed immediately reinstated in its entirety.