

West Branch Township

1705 S. Fairview Road, West Branch, MI 48661

Phone: (989) 345-5450 Fax: (989) 345-8419

www.westbranchtownship.org

TOWNSHIP OF WEST BRANCH PACKET FOR LICENSING OF RECREATIONAL MARIJUANA AND MARIJUANA SAFETY COMPLIANCE FACILITIES

Applicant:

This packet of information, along with the included application materials, was compiled by staff in the township of West Branch's Planning and Zoning office, as well as the Township Clerk's office. Enclosed, you should find all the materials necessary to apply for your Recreational of Safety Compliance Marijuana Facilities license in West Branch Township.

When it comes to valid sites for establishing a new facility in the township, it is key to understand that these are allowed in only the Business I-75 Overlay zoning district and that they are not allowed in close proximity to certain other facilities, including churches and schools. This packet contains a zoning map that details the Business I-75 Overlay Zone District where establishments are currently allowed. When considering opening a facility in the Township, it is the responsibility of the applicant to verify that the property they have in mind meets the local requirements for licensing.

The following page provides a brief overview of the steps that must be taken by a new applicant hoping to open a facility in West Branch Township. In the subsequent pages, you will find application materials, as well as relevant other information from West Branch Township.

Please note prior to submitting any application materials to the township, you should first obtain pre-qualification from the State Of Michigan

All of these documents, as well as additional information and history, can be found on the township's website at www.westbranchtownship.org under zoning administration and also under meeting minutes. Information about the State's process for licensing marijuana establishments can be found online at www.michigan.gov/mra

Property-related questions, including those about zoning and land use can be directed to the township's Planning and Zoning department at 989-889-6291 or email at st_hcckk@yahoo.com

Other questions about township regulation of Recreational Marijuana Facilities or Safety Compliance facilities can be directed to the Township Clerk's office at 989-345-5450 EXT. 2 or wbtclerk@gmail.com

Jeremy R. Hickmott

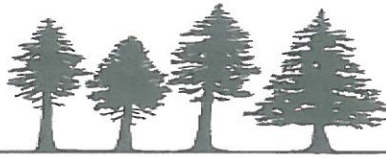
West Branch Township Clerk / Zoning Administrator / DDA Administrator

Phone Number – 989-889-6291 or 989-345-5450 EXT.2

Email – wbtclerk@gmail.com or st_hcckk@yahoo.com

ITEMS INCLUDED IN PACKET

- Zoning Map
- Special Use Permit Application
- Site Plan Review Application
- Marijuana Facilities Application
- Marijuana Facilities Ordinances 52 & 53
- West Branch Township Fee Schedule



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WEST BRANCH TOWNSHIP EXPECTED PROCESS FOR NEW APPLICANTS FOR NEW RECREATIONAL MARIJUANA ESTABLISHMENTS

1. Receive pre-qualification from the State of Michigan

This process is completed separate from the township, but additional information can be found on the State's website at www.michigan.gov/mra

2. Apply for West Branch Township Special Use Permit and Site Plan Review Permits

This process begins with the Township planning and zoning department or application can be found online at www.westbranchtownship.org under the zoning section. Permit applications must be submitted to the township zoning administrator and he can be reached at 989-889-6291. Every application for a Special Use Permit and Site Plan review is reviewed by the West Branch Township Planning Commission. This process can also be completed before or after applying for a facility license.

3. Applications Submissions

Application in this initial year shall be accepted on the 60th day following the effective date of this Ordinance which will be January 6th 2022 and shall continue for a period of 14 business days until end of day January 25th 2022 (the "Initial Application Period"). At the expiration of the Initial Application Period, the Township Clerk shall compile a list of each Applicant for each available License type

4. Scoring Process and Decision

All of the applications shall be submitted to the Township Board for review and completion of scoring rubric(s). Each application shall be independently scored by each Township Board member. The Township Clerk shall prepare a list that identifies each application, the corresponding average score of the individual scoring rubrics, and a ranked list of each Marijuana Establishment based on total average score. The scoring rubrics, average scores, and ranked list shall be provided to all applicants and shall be provided upon request. The Township Clerk shall forward the completed scoring rubrics, average scores, and ranked list to the Township Board. The Township Board shall make a determination based upon satisfactory compliance with this Ordinance, Application requirements, and all other permits, certificates, rules or regulations and do one of the following:

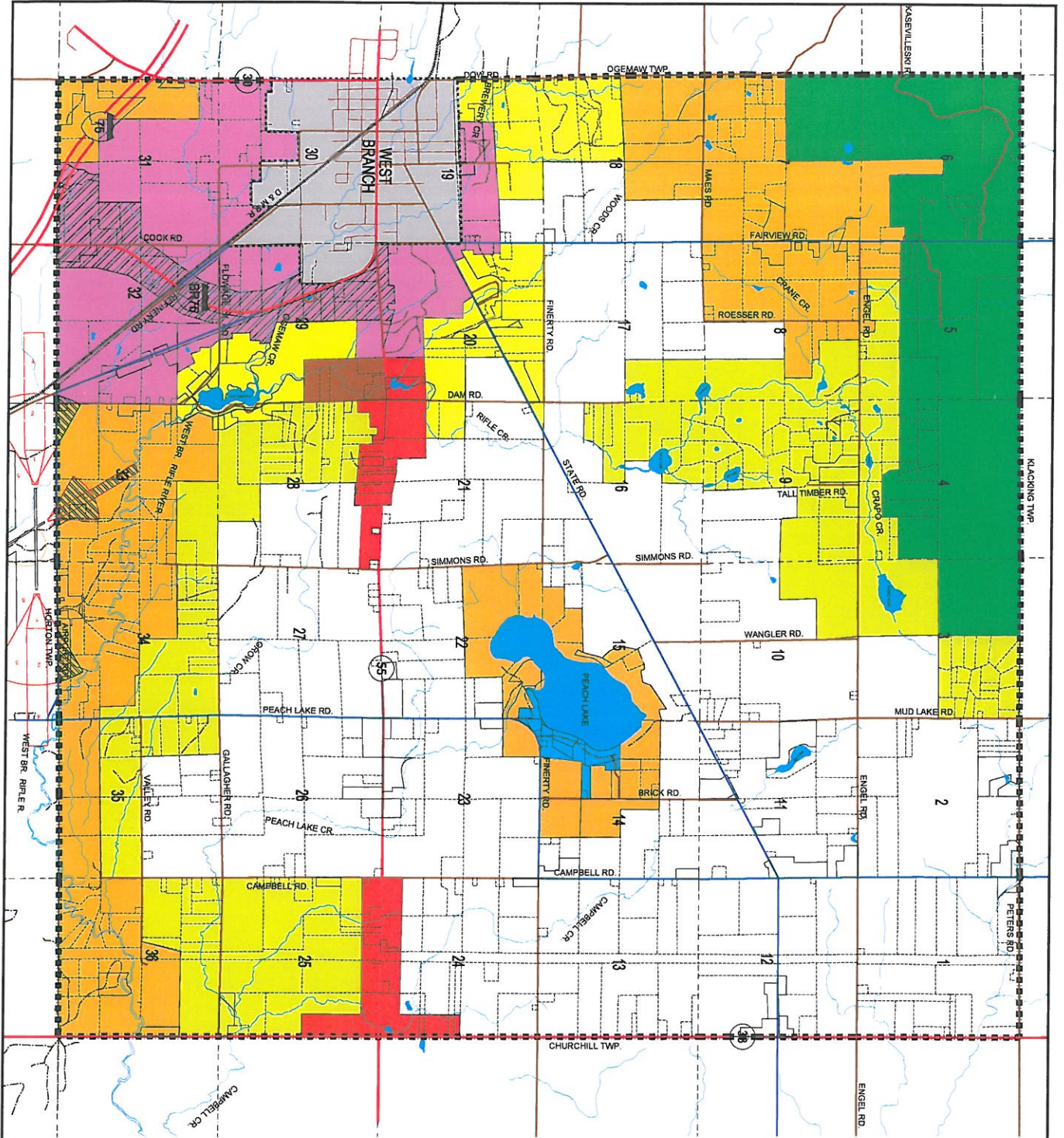
1. Grant final approval to the Application and issue the License. If the Application is approved, then the License shall be issued to the Applicant as the Licensee.
2. Grant final approval to the Application with conditions and issue the License subject to the identified conditions. If the Application is approved, then the License shall be issued to the Applicant as the Licensee.
3. Reject the Application stating the reasons for such rejection.

5. Submit Final Application to the State of Michigan

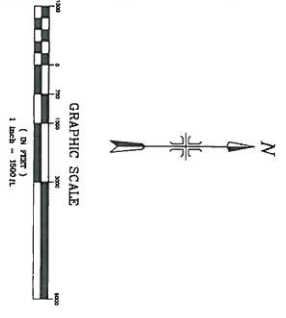
The Provisional license granted in the previous step will give the applicant the local materials necessary to submit final application to the State. This process is completed separate from the township, but additional information can be found online at www.michigan.gov/mra

6. Receive Municipal License to operate a Recreational Marijuana Facility or Safety Compliance Facility.

Once an applicant has been granted a State license, they return to the township Clerk's Office. At this point, the Clerk will issue a municipal license to operate. This license is valid for 1 year following the date the provisional License is issued.



Zoning Map



- = Agricultural District
- = Forested / Rural Residential District
- = Country Estate District
- = Low-density Residential District
- = Medium-density Residential District
- = Commercial District
- = Industrial District
- = Urban Mixed Use District
- = Business Loop Overlay District
- = Airport Safety Overlay District
- = Waterfront District

REVISION NOTES:

1. Initial zoning map adopted by Board on 12/15/03.
2. Revised on July 27, 2004 to change the zoning for the Country Estate District.
3. Revised on July 27, 2004 to change the zoning for the Forested/Rural Residential District.
4. Revised January 16, 2013 to amend the zoning for the Airport Safety Overlay District.
5. Revised June 10, 2013 to amend the zoning for the Business Loop Overlay District.
6. Revised July 16, 2013 to amend the zoning for the Waterfront District.

APPROVED FOR THE BOARD OF TOWNSHIP ENGINEER

Z-1

LAPHAM ASSOCIATES

115 South 3rd Street
West Branch, MI 48661

Phone: (989) 345-9030
Fax: (989) 345-7302

www.laphamassoc.com

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Zoning Map

WEST BRANCH TOWNSHIP

1705 S. FAIRVIEW
WEST BRANCH, MI 48661

PROJECT NUMBER U-030131
DRAWN BY S E Bell
DATE July 6, 2004
SCALE 1" = 1500'
REVISION DATE
REVISION DATE
ENGINEER
SHEET 1 OF 1



**Application for Special Use Permit
West Branch Township, Ogemaw County Michigan**

I (we) hereby certify and agree that all uses for which this application is made will conform to the data and information submitted with this application and all ordinances affecting West Branch Township, Ogemaw County, Michigan. It is further agreed that any deviation from the data submitted or the breach of any additional safeguards, conditions or requirements the Township Planning Commission may impose in granting this permit, shall constitute a violation of the West Branch Township Zoning Ordinance and invalidates the permit granted. I (we) hereby authorize any Township Planning Commission member to perform a site visit to the property described above.

Applicant's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

The undersigned hereby makes application for a SPECIAL LAND USE PERMIT for a proposed:

Property Address: _____

Parcel Number: 65-014- _____

Present Zoning District: _____

Parcel Size: _____ Acres.

Legal Description: _____

Applicant's Signature

Date

FOR OFFICIAL USE ONLY

DATE APPLICATION FILED: _____

PRELIMINARY REVIEW DATE: _____ PUBLIC HEARING DATE: _____

FEE AMOUNT: \$ _____ DATE FEE PAID: _____ RECEIPT # _____

DATE APPROVED/DENIED: _____

___ APPLICATION APPROVED AS PER DATA SUBMITTED.

___ APPLICATION APPROVED AS PER DATA SUBMITTED WITH THE ATTACHED STIPULATIONS.

SPECIAL LAND USE REVIEW PROCESS AND STANDARDS REVIEW PROCESS: Review and action on Special Land Use requests involving West Branch Township, Ogemaw County, Michigan are as follows:

1. The application for Special Land Use, legal description, seven (7) copies of a detailed site plan, a statement of compliance with the criteria required for approval in Section 8.5 and other criteria imposed by the Township Zoning Ordinance affecting the Special Land Use under consideration, must be submitted to the Planning Commission Clerk. All materials must be submitted before noon (12:00 p.m.) on the first Thursday 15 days prior to the scheduled meeting. (First Tuesday of each month).
2. Applicant must contact the Township Zoning Administrator/Supervisor and make arrangements to present the application for Special Land Use to the Planning Commission.
3. The Planning Commission will conduct two (2) meetings regarding the application. The first meeting will be a preliminary review of the submitted application at which time the Planning Commission will review all information, site plan, and any supporting documentation. The request will be discussed with the applicant. It is strongly recommended that the applicant or a representative be present at the preliminary review to ensure all information necessary is obtained to be presented at the public hearing in order to avoid unnecessary delays.
4. The application fee of four hundred dollars (\$400.00) is due immediately following the preliminary review. Any changes, additions, or other information required by the Planning Commission at the preliminary review must be provided by the applicant and resubmitted to the Planning Commission Clerk in a timely manner to allow sufficient time for review and preparation prior to the next scheduled meeting.
5. Provided sufficient information and fee has been submitted, the Planning Commission will conduct a public hearing concerning the request at the next regular meeting (1st Tuesday of each month). Following deliberations, usually at the same meeting, the Planning Commission will take necessary action on the proposed request. Such action will be approved, deny, or approve with conditions/stipulations.
6. If the proposed development required a variance from any provisions of the Township Zoning Ordinance, a variance request shall be brought before the Zoning Board of Appeals (ZBA) before any action will be taken by the Planning Commission.

REVIEW STANDARDS:

Some land uses, because of their unique characteristics, may not be appropriate in all locations within a given zoning district. In making their respective decisions, the Planning Commission must follow the general standards prescribed by the Township Zoning Ordinance Section 8.7. and any other specific standards that may be established in the Ordinance for a specific use.

It is the responsibility of each applicant, applying for a Special Land Use permit, to demonstrate that the following standards are met:

A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use application only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Township Ordinance:

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and surrounding area.

2. The Special Land Use shall not change the essential character of the surrounding area.

3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or general welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, dust, fumes or glare.

4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

B. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards contained in the Township Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.

C. If, after establishment of the Special Land Use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, said use shall have sixty (60) days to correct any infractions as determined by the Planning Commission. If infractions are not corrected within these sixty (60) days, the provisions of Section 8.13 shall be initiated.

APPROVAL TERM AND EXPIRATION:

A. A Special Land Use permit approval shall be valid for one (1) year from the date of approval, with up to one (1) year extension, unless approval is revoked as provided in Section 8.13 or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely.

B. If, by the end of this one (1) year extension period, the Special Land Use has not been initiated or construction necessary for such use has been initiated but is not proceeding meaningfully toward completion, the Special Land Use Permit shall be deemed expired and no longer valid, and any building permit shall be revoked.

C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded with the Ogemaw County Register of Deeds.

D. Reapplication for approval of an expired Special Land Use Permit shall be considered in the same manner as an original application.

For more information or questions, please contact the Township Supervisor or Clerk at 989-345- 5450.

Web Page: westbranchtownship.org

SPECIAL LAND USE PERMIT CHECKLIST

___ COMPLETED APPLICATION

___ COMPLETED LEGAL DESCRIPTION OF PROPERTY ___ SITE PLAN SHOWING:

___ Property lines with nearest bench marks

___ Contour map with 2' contour lines and a 50' radius around the property

___ Storm water management plan

___ Location of all existing and proposed structures

IT IS ADVISABLE THAT YOU CONTACT THE GOVERNMENTAL AGENCIES LISTED BELOW. THEY MAY HAVE ADDITIONAL REQUIREMENTS WHICH WOULD BE IMPOSED ON THIS REQUEST. IF A PERMIT IS REQUIRED, A SIGNED APPROVED COPY MUST BE SUBMITTED TO THE TOWNSHIP ALONG WITH THE APPLICATION.

MICHIGAN DEPT. OF TRANSPORTATION GRAYLING OFFICE - 888-811-6368

DISTRICT NO. 2 HEALTH DEPT. 989-345-5020

DEPT. OF NATURAL RESOURCES - 517-335-3441, 989-686-8025

DEPT. OF ENVIRONMENTAL QUALITY - 989-686-8025

OGEMAW COUNTY ROAD COMMISSION - 989-345-0234

WEST BRANCH COMMUNITY AIRPORT - 989-345-1453



**Application for Site Plan Review
West Branch Township, Ogemaw County Michigan**

I (we) hereby certify and agree that this application will conform to the data and information submitted with this application and all Ordinances affecting West Branch Township, Ogemaw County, Michigan. It is further agree that any deviation from the data submitted or the breach of any additional safeguards, conditions or requirements the Township Planning Commission may impose, shall constitute a violation of the West Branch Township Zoning Ordinance and invalidates this approval. I (we) hereby authorize any Township Planning Commission Member or Township Zoning Administrator to perform a site visit to the property described below.

DATE: _____

Application Number: _____

Applicant Name: _____

Applicants Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Specific Intended Project and uses of proposed Project: _____

PROJECT IDENTIFICATION AND LOCATION

Tax I.D Number: 065-014- _____ - _____ - _____

Township Section Number: _____

Legal Description: _____

Property Owner's Name: _____

Property Owner's Phone Number: _____

Address of Property: _____

SITE PLAN INFORMATION

Zone District Select one of the Following:

- | | |
|---|--|
| AG - Agriculture - _____ | C - Commercial - _____ |
| FR - Forested Residential - _____ | I - Industrial - _____ |
| CE - Country Estates District - _____ | URB-MX - Urban Mixed Use - _____ |
| R-1 - Single Family Residential - _____ | BUS-75 - I-75 Business Overlay - _____ |
| R-2 - Single / Two Family Res. - _____ | AP - Airport Overlay - _____ |

Property Size:

Width - _____ Depth - _____ Square Feet - _____ Acreage - _____

SET BACK INFORMATION (MUST BE SHOW IN SITE PLAN)

NOTE: setbacks shall be measured from lot lines to the drip edge of the building. Front lot line is street side of lot, except lake front properties where the water side of the lot is the front

SetBacks from Property Lines:

Front: _____ Rear: _____ Side: _____ Side: _____

FEE REQUIRED AND DUE WITH APPLICATION AT FILING, WHETHER APPROVED OR NOT PLEASE REFERENCE WEST BRANCH TOWNSHIP FEE SCHEDULE FOR PROJECT COST

Applicant's Signature - _____ Date: _____

FOR OFFICE AND ZONING ADMINISTRATOR USE ONLY

Date Application received and filed by Zoning Administrator: _____

Preliminary Review Date: _____ Public Hearing Date: _____

Fee Amount: \$ _____ Date Fee Paid: _____ Receipt #: _____

Application Approved: _____ Application Denied: _____

Application Approved As Per Data Submitted: _____

Application Approved As Per Data Submitted with the Attached Stipulations: _____

Reason for Denial: _____

Zoning Administrator Signature: _____

SITE PLAN REVIEW CHECK LIST

- I. Scanning of miscellaneous application requirements:
 - Scale, 1"=50' if site is less than three acres; 1"=100' if site is greater than 3 acres.
 - Date North Arrow.
 - Proposed structures; and any other structures within 100' of property.
 - Proposed rights-of-ways, drives, etc.; existing adjacent drives, ingress//egress points within 100' of the property.
 - Wetlands or flood plain delineations on plan, if necessary.
 - Name, address, etc. of designer, architect or other preparer of plan.

- II. Site & Dimensional requirements:
 - Lot size.
 - Set backs (including wetlands, flood plains, & railroads).
 - Lot coverage (impervious surface).
 - Building size & height (arch, elevation).
 - Pedestrian and bicycle pathways.

- III. Site access points:
 - Distance between the driveway and adjacent intersections or other driveways meets standards.
 - Driveway design is sufficient for the type of traffic expected and site conditions. This includes reviewing the need for a by-pass lane, center turn lane, deceleration lane, deceleration taper, and width of ingress and egress lanes.
 - Driveways radii for both in-bound and out-bound are sufficient to accommodate
 - Driveway is aligned with driveways across the street or off-set at least 150-250 feet.
 - Pedestrian crossings addressed.
 - If a boulevard design is used, carefully review island design including width (minimum 10 feet), length and radii.
 - Is sight distance at the proposed driveway location sufficient?
 - Is this a location where a shared driveway, frontage road, perpendicular service drive, rear service drive or connecting parking lots would be appropriate?

- IV. Parking Requirements:
 - Number required.
 - Size, angle, aisles, curbing.
 - Landscaping-sufficient, number of islands within lots, screening.
 - Runoff control.

- V. Interior Site Circulation::
 - Minimize conflict near entrances, through the use of landscaped islands. Islands should also be used to control and slow traffic maneuvering through a large parking lot.
 - Where school bus or semi-truck traffic is expected, insure that the site designer has provided adequate internal radii to accommodate the vehicles.
 - Insure that traffic backing out of parking spaces does not conflict with through traffic.
 - Use islands at the ends of parking rows, to discourage vehicles from backing out into major traffic aisles.
 - Parking Island Design – the radii of parking islands should be shown to insure vehicles can easily move through the parking lot. The depth of parking islands should be about two feet less than the depth of the adjacent parking space.
 - Generally, intersections within the parking lot should be no more than three-way intersections and at most four-way. Avoid intersections with five or more lanes.

- If one-way angled parking is used, insure that it is the most efficient. Ninety degree parking with two-way aisles is preferred and more convenient.
- Identify need for pedestrian pathways. Sidewalks not needed at the present time, but may be required in the future require a bond for future sidewalk construction.
- Pedestrian circulation should generally be down the aisle or provided separately.
- Minimize conflicts for pedestrians near building entrances. Traffic lanes should not abut the building; a protected area for pedestrians should be provided.
- Insure that there is sufficient room to maneuver to pick up dumpsters.
- For drive-through facilities insure that the drive-through lane does not conflict with maneuvering from parking spaces.

Stacking: The following are good guidelines based on conditions:

Self-Service Auto Wash – two spaces per stall.

Instant Oil Change – Two spaces per stall.

Automatic Auto Wash – at least 15 vehicles, 25-30 for auto washes where the patron exits the car and walks through the facility.

Auto Wash at Gas Station – 5-6 stacking spaces removed from pump maneuvering.

Fast Food Restaurants – 6-8 spaces from the reader board which do not conflict with vehicles existing parking spaces, 5 from reader board to window. Varies by the restaurant involved.

Drive-Through Bank – 3 spaces for an automatic teller. Four (4) spaces for a regular teller.

Loading areas and loading docks should generally be on the side or rear of the building not visible to a residential district or the public street.

VI. Drainage and Grading:

- Catch basins.
- Detention/retention ponds.
- Curbing.
- Transmittal to other agencies for review.
 - i. Engineering
 - ii. ICDC
- Riprapped runoff areas.
- Sodded or fabric on steep slopes to prevent erosion.
- Requirement of erosion control devices.

VII. Utilities

- Public utilities;
 - i. Sewer & water
- Private;
 - i. Telephone
 - ii. Television - Cable, Satellite Dishes or Antennas
Permitted, set backs, screening

- iii. Electric
- iv. Gas
- v. Transmittal to other agencies;
Engineering

VIII. Signage:

- Size
- Placement
- Number
- Height
- General appearance
- Required handicapped signage

IX. Lighting

- Location and focus (onto site & building only). "Dark Sky".

X. Landscaping:

- Number and placement of street trees & Shrubs required.
- Insure that there is adequate landscaping between the site and any adjacent uses which are less intensive. The landscaping may be in the form of a berm, wall, new plantings or preservation of existing vegetation.
- Require landscaping where headlights need to be shielded. The landscaping should include shrubs a minimum of 24 inches high spaced no more than five or six feet apart and ideally include some evergreen species five or six feet tall at planting.
- Berms – Berms should be designed with a maximum slope of three foot horizontal to one foot vertical to prevent erosion and allow grass to survive. If landscaping is to be provided within the berm, a horizontal crest of six to ten feet minimum should be provided.
- Minimum caliper of two and one-half (2-1/2") inches for deciduous trees and two inches for ornamental trees caliper of nursery stock is measured 1" above root ball. Evergreen trees should be six to eight feet high. Shrubs 18 to 24 inches high.
- One tree per 2,000 square feet of pavement or one tree per 10 to 15 parking spaces. Parking lots islands should include 100 to 150 square feet of area per tree.

West Branch Township

APPLICATION FOR A MARIJUANA OPERATING LICENSE

(Use **BLUE** ink ONLY)

West Branch Township will not provide substantive advise, legal or otherwise, on any of its ordinances or items required for this application or any other application requested herein.

~ Annual fees to apply shall be paid to the West Branch Township Treasurer and made payable to West Branch Township:

- Non-refundable application fee of \$5,000.00 per license, and annually for each renewal application.

Initial: _____

Proposed Entity Information

- Individual Partnership Corporation
 Limited Liability Company Trust Sole proprietorship

Entity Name (as it appears on official entity documents):	D/B/A (as used in conducting business of the entity):
Entity physical location:	FEIN/SSN: D.O.B. (individuals only)
Entity mailing address:	Entity telephone:

Contact Person for application (print): _____
Cell phone number: _____
Email: _____

Proposed Location Information

Address of proposed location: _____

Zoning Classification: _____ Total square footage of building: _____

Total square footage to be used for the marijuana operation(s): _____

The applicant is proposing to:

- Renovate a vacant building Renovate an occupied building New construction Use as is

Person Completing Application

Full name:	Affiliation with applicant:
Mailing address:	Entity Name:
Attorney license number, if applicable:	Telephone / fax:
CPA license number, if applicable:	Email address:

What License Type is Applicant Applying for?

(R = Recreational Marijuana Establishment)

Number of R	License Type	Application Fee Per License	Annual Fee Per License	Description of License
	Retail Establishment	\$5,000.00	\$5,000.00	License to sell Marijuana to a qualified person 21 years of age or older.
	Safety Compliance Facility	\$5,000.00	\$5,000.00	Testing for purity and contaminants of Marijuana from a grower, processor, or a registered caregiver.

Owner(s)/Applicant(s) Information

All owner(s)/applicant(s) must provide a copy of the front and back of their state issued driver's license or state identification.

List all parties having ownership of the entity. Include any and all alias(es) used in the most recent five years.

Provide complete information for each applicant/owner as requested below.

Owner #1	Full Legal Name:			Email:	
	Alias:				
	Address:	Cellphone:	Title:	Percentage:	
Owner #2	Full Legal Name:			Email:	
	Alias:				
	Address:	Cellphone:	Title:	Percentage:	
Owner #3	Full Legal Name:			Email:	
	Alias:				
	Address:	Cellphone:	Title:	Percentage:	
Owner #4	Full Legal Name:			Email:	
	Alias:				
	Address:	Cellphone:	Title:	Percentage:	

Previous Business Experience

The West Branch Township Board and the Planning and Zoning Department encourages all applicants to provide its/his/her business occupation or employment for the most recent three (3) years immediately preceding the date of this application.

Name:	Address:	
Position held:	To:	From:
Name:	Address:	
Position held:	To:	From:
Name:	Address:	
Position held:	To:	From:
Name:	Address:	
Position held:	To:	From:
Name:	Address:	
Position held:	To:	From:

Applicant Signature

Date

Applicant Printed Name

Subscribed and sworn to by _____ before me on _____
(applicant name) (date)

Notary Public Signature

Notary Public Printed Name

State of _____, County of _____, Acting in the County of _____

My Commission Expires: _____

WEST BRANCH TOWNSHIP

ATTACHMENT 1 – ATTESTATION A

APPLICATION FOR A MARIJUANA TOWNSHIP OPERATING LICENSE

COVENANT NOT TO SUE
(Use BLUE ink ONLY)

I, _____, (applicant) being first duly sworn upon oath or affirmation and does hereby acknowledge and agree that:

I understand that granting of a township operating license to operate a marijuana establishment is a privilege and not a right and does not confer upon the applicant any business expectation or any other possible cause of action if I am denied a township operating license by West Branch Township.

I understand and agree that West Branch Township will be reviewing and granting township operating license(s) to applicant(s) based on a competitive process and I understand and agree that by choosing to submit an application to the West Branch Township for a township operating license to operate a marijuana establishment that it is done so at my own cost, risk, and peril and that the West Branch Township shall have no liability whatsoever if I am not granted a township operating license for any reason.

I understand that due to the limited number of permits available and that the overall number of the applications to be submitted to the Township is unknown, I _____, the applicant, do here by acknowledge and agree to the probability of being denied a permit by the Township. I, the applicant, also acknowledge and agree to the assumption that all applications received by the Township have met the requirements of the ordinance and application and that the selection process for a permit is at the sole discretion of the Township regardless of an application meeting all of the requirements of the ordinance and application.

The applicant, myself, and any subsidiaries, affiliates, officers, directors, shareholders, managers, members, successors, and assigns forever covenant and agree not to sue or bring any action in law, or in equity, including, but not limited to, an action in any court, forum, tribunal or arbitration proceeding whether by original process or demand, counterclaim, cross-claim, third-party process, impleader, claim for indemnity or contribution or otherwise against the West Branch Township, its respective employees, agents, attorneys, facilities, insurers, indemnors, successors, heirs and/or assigns, arising from, referring to, relating to, or in connection with this application or the West Branch Township Municipal Code regarding marijuana facilities.

Applicant Signature Date

Applicant Printed Name

Subscribed and sworn to by _____ before me on _____
(applicant name) (date)

Notary Public Signature Notary Public Printed Name

State of _____, County of _____, Acting in the County of _____

My Commission Expires: _____

WEST BRANCH TOWNSHIP
ATTACHMENT 2 – ATTESTATION B
APPLICATION FOR A MARIJUANA TOWNSHIP OPERATING LICENSE

APPLICANT'S AUTHORIZATION TO RELEASE INFORMATION
(Use BLUE ink ONLY)

To all courts, probation departments, selective service boards, employers, educational institutions, banks, financial, and other such institutions, governmental agencies federal, state, and local, without exception, both foreign and domestic:

On behalf of: _____
(Name of Entity) (Name & Title of Person Authorized to Execute This Release)_____

I authorize West Branch Township (Township) and its agents to conduct a full investigation into the background and activities of the applicant for purposes of determining the applicant's eligibility for a marihuana township operating license.

I understand that by signing this authorization a financial record check may be performed. I authorize any financial institution to surrender to West Branch Township a complete and accurate record of such transactions that may have occurred with that institution including, but not limited to, internal banking memoranda, past and present loan applications, financial statements, and any other documents relating to my personal or entity financial records in whatever form and wherever located. I authorize my employers to release any employment information required to validate my financial history. I understand that the financial record check will include a credit history examination and that my credit report, credit history, and credit capacity information will be obtained.

I understand that by signing this authorization, a financial record check of my tax filing and tax obligation status may be performed. I authorize my representative state taxing agency to surrender to West Branch Township a complete and accurate record of any and all tax information or records relating to me for the purposes of this application. I authorize West Branch Township to obtain, receive, review, copy, discuss, and use any such tax information or documents relating to me. I authorize the release of this type of information, even though such information may be designated as "exempt from disclosure under the freedom of information act", "confidential", or "nonpublic" under the provisions of federal, state, or local laws.

I understand that by signing this authorization, a criminal history check may be performed. I authorize West Branch Township to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located for purposes of completing this application. I understand that the criminal history record files may contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and the sentence was discharged pursuant to law. I authorize the release of this type of information even though this record may be designated as "exempt from disclosure under the freedom of information act", "confidential", or "nonpublic" under the provisions of federal, state, or local laws.

Therefore, you are hereby authorized to release any and all information pertaining to this applicant, documentary or otherwise, as requested by any employee or agent of the West Branch Township, provided that he or she certifies to you that said entity has an application pending before the West Branch Township or that said entity is a licensee or other person required to be qualified under the provisions of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., the Michigan Marihuana Facilities Licensing Act, MCL 333.27401 et seq., the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and Township Ordinance.

This authorization shall supersede and revoke any prior request or authorization to the contrary and shall be in effect during the pendency of this application. -A photocopy of this authorization will be considered as effective and valid as the original. A facsimile copy shall be considered as effective and valid as the original.

Applicant Signature Date

Applicant Printed Name
Subscribed and sworn to by _____ before me on _____
(applicant name) (date)

Notary Public Signature Notary Public Printed Name

State of _____, County of _____, Acting in the County of _____
My Commission Expires: _____

WEST BRANCH TOWNSHIP

ATTACHMENT 3 – ATTESTATION C

APPLICATION FOR A MARIJUANA TOWNSHIP OPERATING LICENSE

APPLICANT’S VERIFICATION & AFFIDAVIT OF FULL DISCLOSURE

(Use BLUE ink ONLY)

1. I am the individual responsible for submitting this application and have full authority to execute this affidavit of full disclosure.
2. I authorize _____ to be the contact person to West Branch Township for the purposes of this licensure application.
3. I swear (or affirm) that the information contained in this application packet is true, complete, and accurate to the best of my knowledge and belief.
4. Except as reported in this application packet, I have no agreements or understandings with any person or entity and no present intent to hold as agent, nominee, or otherwise any interest in this application.
5. Except as reported in this application packet, I have no agreements or understanding with any person or entity and no present intent to pay any sums of money or give anything of value as including, but without limitation, a finder’s fee or commission to any person or entity related to the interest of this application.
6. I understand that failure to provide true, complete, and accurate answers and information in this application packet will result in a denial of the application and no refunds of any sums paid to West Branch Township as a result of this application packet will be refunded.
7. I understand that failure to fully complete the application packet, or if applicant makes any changes to the application packet documents, will result in a denial of the application and no refunds of any sums paid to the West Branch Township as a result of this application packet will be refunded.

Applicant Signature

Date

Applicant Printed Name

Subscribed and sworn to by _____
(applicant name)

before me on _____
(date)

Notary Public Signature

Notary Public Printed Name

State of _____, County of _____, Acting in the County of _____

My Commission Expires: _____

WEST BRANCH TOWNSHIP

ATTACHMENT 4 – ATTESTATION D

APPLICATION FOR A MARIJUANA TOWNSHIP OPERATING LICENSE

ACKNOWLEDGMENT OF FEDERAL LAW AND RELEASE OF LIABILITY

(Use **BLUE** ink ONLY)

I, _____, (applicant) being first duly sworn upon oath or affirmation and does hereby acknowledge and agree that:

The Federal Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 et seq. regulates marihuana as a Schedule I controlled substance for which there is “no currently accepted medical use in treatment in the United States.” 21 U.S.C. § 812(b)(1)(B). Although the State of Michigan has recognized and authorized the licensing of marihuana establishments and use of marihuana for certain persons pursuant to the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.26421 et seq., and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. Further, the state has provided for a statewide monitoring system pursuant to the Marihuana Tracking Act, MCL 333.27901 et seq., these state authorized activities remain prohibited by federal law.

I understand that a Michigan or township operating license does not insulate or shield me or my business from federal seizure and/or forfeiture as allowed by federal law and does not insulate me from federal criminal arrest and/or prosecution.

I understand that choosing to file an application for a marijuana township operating license and, if issued, choosing to establish and operate a marijuana establishment pursuant to that license, is done so at my own risk.

By my signature and attestation to this form, I hereby completely release and forever discharge the West Branch Township, and its respective employees, agents, attorneys, facilities, insurers, indemnnors, successors, heirs and/or assigns from any and all past, present, or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract, or other theory of recovery which I may now have, or which may hereafter accrue or otherwise be acquired, on account of or any way arise out of my application for a marijuana township operating license and, if issued, a township operating license, my operation of a marijuana establishment.

Applicant Signature

Date

Applicant Printed Name

Subscribed and sworn to by _____
(applicant name)

before me on _____
(date)

Notary Public Signature

Notary Public Printed Name

State of _____, County of _____, Acting in the County of _____

My Commission Expires: _____

WEST BRANCH TOWNSHIP, OGEMAW COUNTY

MARIJUANA ESTABLISHMENTS AND PRIMARY CAREGIVER OPERATIONS
ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 52

At a regular meeting of the Township Board of West Branch Township, Ogemaw County, Michigan, held at the Township Hall on November 10th, 2021, at 6:00 p.m., Township Board Member Philbrick moved to adopt the following ordinance, which motion was seconded by Township Board Member Hickmott:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF WEST BRANCH TO ALLOW FOR VARIOUS TYPES OF LICENSED MARIJUANA ESTABLISHMENTS BY SPECIAL USE PERMIT AND SITE PLAN REVIEW WITHIN CERTAIN ZONING DISTRICTS IN THE TOWNSHIP, AND TO ESTABLISH STANDARDS AND REQUIREMENTS FOR THE OPERATION OF SUCH ESTABLISHMENTS AS AUTHORIZED PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT; TO ALLOW PRIMARY CAREGIVER OPERATIONS BY SPECIAL USE PERMIT AND TO ESTABLISH APPLICATION PROCESS AND REQUIREMENTS FOR CAREGIVER OPERATIONS; TO ADD DEFINITIONS FOR ESTABLISHMENTS AND CAREGIVERS; AND TO AMEND CERTAIN PROVISIONS OF SITE PLAN REVIEW PROCESS FOR MARIJUANA ESTABLISHMENTS.

THE TOWNSHIP OF WEST BRANCH, COUNTY OF OGEMAW, ORDAINS THAT:

SECTION 1. AMENDMENT OF CHAPTER 2, SECTION 2.2, DEFINITIONS: Section 2.2 of the West Branch Township Zoning Ordinance is hereby added and adds the following definitions:

“Marijuana” means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (“MRTMA”).

“Marijuana Establishment” means an enterprise at a specific location at which a licensee is licensed to operate under the MRTMA and under the Township of West Branch Marijuana Establishments Ordinance, including a marijuana grower establishment, marijuana safety compliance facility establishment, marijuana processor establishment, marijuana retailer establishment, marijuana secure transporter establishment, or any other marijuana-related business licensed by the Michigan Department of Licensing and Regulatory Affairs under the Michigan Regulation and Taxation of Marihuana Act.

“Excess Marijuana Grower” as that term is defined in the MRTMA being a person holding 5 stacked Class C marijuana grower licenses and licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.

“Marijuana Grower” means a Marijuana grower as that term is defined in the MRTMA being a person who cultivates and sells marijuana to other facilities, as permitted by the MRTMA, which includes all of the following:

Class A Marijuana Grower, which is a maximum of 100 plants under the MRTMA.

Class B Marijuana Grower, which is a maximum of 500 plants under the MRTMA.

Class C Marijuana Grower, which is a maximum of 2,000 plants under the MRTMA.

“Marijuana Event Organizer” as that term is defined in the MRTMA being a person licensed to apply for a temporary marijuana event license under the Act or rules.

“Michigan Regulation and Taxation of Marijuana Act” or “MRTMA” means the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 *et seq.*, and the rules promulgated pursuant to the MRTMA.

“Marijuana Microbusiness” as that term is defined in the MRTMA being a person that cultivates not more than 150 plants; processes and packages it; and sells it to individuals who are 21 years of age or older or to a marijuana safety compliance facility but not to other marijuana establishments.

“Marijuana Processor” as that term is defined in the MRTMA being a person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.

“Marijuana Retailer” as that term is defined in the MRTMA being a person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

“Marijuana Safety Compliance Facility” as that term is defined in the MRTMA being a person licensed to test marijuana, including certification for potency and the presence of contaminants.

“Marijuana Secure Transporter” as that term is defined in the MRTMA being a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

“Person” means a natural person, individual, company, partnership, trust, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

“Primary Caregiver Operation” means a location from where one medical marijuana caregiver may distribute, cultivate, grow or otherwise make available medical marijuana to medical

marijuana patients in accordance with the Michigan Medical Marijuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421 *et seq.* (hereinafter, “MMMA”) and Township ordinances.

“Temporary Marijuana Event” as that term is defined in the MRTMA being an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on the license during the dates indicated on the state license.

“Reasonably Available Odor Control Technology” or “RAOCT” means an odor control technology that limits odor from a particular source or source category within the limits of Township ordinances by the application of control technology that is reasonably available considering technological and economic feasibility. RAOCT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

“Township Playground Properties” means rented and/or operated by the Township, where the Township has established, installed or provided public recreational facilities, including but not limited to, swings, slides, water fountains, teeter totters, jungle gyms and sand boxes.

SECTION 2. AMENDMENT OF CHAPTER 8 SPECIAL USES TO ADD SECTION 8.18: MARIJUANA GENERAL REGULATIONS: The West Branch Township Zoning Ordinance is hereby amended to add Marijuana General Regulations to the regulations already listed:

SECTION 8.18: MARIJUANA GENERAL REGULATIONS: The following regulations apply to all Marijuana Establishments within the Township, unless a more specific provision of this Chapter applies:

- A. Marijuana Establishments must be located a minimum of 1,000-feet from all school, day care, childcare, and Township Playground Properties, measured from the property line of each parcel.
- B. For marijuana retailers, an eight (8) foot tall perimeter fence (of natural or non-natural materials), though other fencing or screening requirements may be included for any other Marijuana Establishments where the premises are adjacent to residential property or where it is otherwise deemed appropriate as required by the Planning Commission to meet the Zoning Ordinance due to the location of the Marijuana Establishment.
- C. The interior and exterior lighting shall not create, cause, or compound any injury to the public health, safety, or general welfare as determined by a reasonable person of normal sensitivities.
- D. A Marijuana Establishment shall only operate within the hours of operation permitted by the Township.

- E. No pictures, symbols, or drawings depicting marijuana, or any marijuana related paraphernalia shall appear on the outside of the premises, or shall be visible from outside the premises. The words “marijuana,” “cannabis” and any words used or intended to be used to convey the presence of marijuana shall not appear on the outside of the premises per state law. Marijuana products must not be marketed or advertised to minors aged 21 years or younger. Any sign targeting minors is prohibited. At least three “no-smoking of any kind” signs should be placed on the premises visible by the general customer public.
- F. All waste and by-products must be securely stored in a locked and enclosed space.
- G. No outdoor Marijuana Facilities or Establishments will be allowed, including Grower Establishments. Growing or cultivation of marijuana is not permitted in open or cleared ground, greenhouses, hoop houses, or a non-rigid structures.
- H. Marijuana odor must be controlled at the site by the installation, maintenance, and operation of an air scrubbing and carbon filtration system connected to appropriate ventilation and exhaust equipment, and odors must be effectively confined to the interior of the building from which the odor is generated. The Planning Commission may approve a Reasonably Available Odor Control Technology upon request. The air scrubbing and carbon filtration system or proposed RAOCT system must be identified on the plans for the premises.
- I. Each Marijuana Establishment is subject to inspection by the Township or law enforcement, and the applicant shall cooperate with no less than an annual comprehensive fire and security inspection.
- J. The Marijuana Establishment licensed by the Township and by the State of Michigan prior to commencing operation, and must be at all times in compliance with the laws of the State of Michigan, applicable Township ordinance, and all applicable rules promulgated by the State of Michigan.
- K. A Marijuana Establishment must be the principal use on the parcel. A Marijuana Establishment and any activities associated with an Establishment is not permitted as a home business or accessory use, nor may a Marijuana Establishment include accessory uses except as otherwise provided in this Ordinance.

SECTION 3. AMENDMENT OF CHAPTER 9 DEVELOPMENT SITE PLAN REVIEW TO ADD SECTION 9.7.1: MARIJUANA SITE PLAN REVIEW: The West Branch Township Zoning Ordinance is hereby amended to add Marijuana Site Plan Review to the regulations already listed:

SECTION 9.7.1: MARIJUANA SITE PLAN REVIEW: In addition to the site plan requirements provided for in this Ordinance, site plans submitted for a Marijuana Establishment must meet the following minimum requirements:

- A. All requirements under this Ordinance for a Major Project.
- B. Identify and depict the location of all schools, day cares, childcares, Township Playground Properties, churches, houses of worship or other religious facilities within 1,000 feet of the property line of the Marijuana Establishment.
- C. An exterior lighting plan that includes, but is not limited to, the location, dimensions, light color, and types of fixtures to be used for all external lighting, including but not limited to lighting for parking lots, driveways, security lighting or other external illumination, or the illumination of signs, and its overall area of illumination. The lighting plan shall not create, cause, or compound any injury to the public health, safety, or general welfare as determined by a reasonable person of normal sensitivities. The Township may request additional detail(s) and information as part of its review. The Township may approve, approve with conditions, or deny a lighting plan.
- D. A general description of the security system(s), including identification of a centrally alarmed and monitored security system and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
- E. A depiction of any signs proposed with the Marijuana Establishment and copies of all sign applications. All signs must comply with the general sign provisions within this Ordinance and specific requirements of Marijuana Establishments.
- F. For a Marijuana Establishment using artificial light for growing periods, a plan satisfactorily demonstrating that the Marijuana Establishment will contain all artificial light within the interior space of the Marijuana Establishment.
- G. Depiction and explanation of the air scrubbing and carbon filtration system or RAOCT system connected to appropriate ventilation and exhaust equipment to effectively confine odor to the interior of the building from which the odor is generated.
- H. Such other conditions as may be suitable for the particular Marijuana Establishment.

SECTION 3. AMENDMENT OF CHAPTER 5, SECTION 5.13.1, CONDITIONAL USES:

Section 5.13.1, Business Route I-75 Overlay District, Conditional Uses is hereby amended to provide as follows:

SECTION 5.13.1 CONDITIONAL USES: The following uses are permitted upon securing a Special Use Permit and upon a development site plan review approval in accordance with Chapters 8 and 9. Also see Section 4.15 Landscaping Standards. Changes of use in existing structures shall be reviewed by the zoning administrator. Upon review of application for reuse, if the zoning administrator determines there will be no significant effects to the existing site layout, such effects including off-street parking, landscaping, drainage, or other

conditions, the zoning administrator may require only a minor project site plan review in accordance with Chapter 9 to be approved by the planning commission without the necessity of a new special use permit. (Amended by ordinance 37, July 2012.)

- Adult entertainment
- Building and supply yards, warehouses, and wholesale businesses
- Commercial Recreation
- Contractors and builders establishments
- Commercial day care facilities
- Drive-through facilities
- General retail and service businesses
- Hotels and motels
- Light manufacturing operations
- Motor vehicle service operations
- Motor vehicles sales and/or repair facilities (amended by ordinance 43, January 2017)
- Outdoor advertising structures (see section 7.3)
- Restaurants
- Storage facilities
- Theaters
- Planned developments
- Marijuana Retailer, as regulated by Township ordinance
- Marijuana safety compliance facilities as regulated by Township ordinance

SECTION 4. AMENDMENT OF CHAPTER 8 SPECIAL USES TO ADD SECTION 8.19: CAREGIVER APPLICATION AND OPERATION REGULATIONS: The West Branch Township Zoning Ordinance is hereby amended to add Caregiver Operation Regulations to the regulations already listed:

SECTION 8.19: CAREGIVER APPLICATION AND OPERATION REGULATIONS: The following regulations apply to all Primary Caregiver Operations within the Township, unless a more specific provision of this Chapter applies:

- A. Primary Caregiver Operation Application Requirements. In addition to the special use permit application requirements, an applicant for a Primary Caregiver Operation shall submit the following information as part of an application for a special use permit:
1. The applicant's name, address, phone number, and e-mail address.
 2. The address of the parcel where marijuana will be acquired, possessed, cultivated, processed, used, or transferred. If the applicant does not own the parcel where marijuana will be acquired, possessed, processed, used, or transferred, he or she must provide written documentation outlining that such activities are permitted on the parcel or indicating some ownership interest (e.g., a lease).
 3. A copy of the current state registration card issued to the primary caregiver.

4. A full description of the nature and types of equipment which will be used in marijuana cultivation and processing.
 5. A narrative describing the security measures the primary caregiver will use to ensure that no one unlawfully accesses marijuana of the Primary Caregiver Operation.
 6. A description of the location at which the marijuana cultivation, processing, use, and or transfer will take place.
 7. A plan for the disposal of marijuana and related by-products that will be used.
 8. Information related to the amps rating of the electric power service to be used to support the Primary Caregiver Operation.
 9. The number of marijuana plants that will be cultivated and processed.
- B. Primary Caregiver Operation Regulation and Requirements.
1. Only one medical marijuana caregiver is permitted to operate a Primary Caregiver Operation.
 2. The minimum lot size for a Primary Caregiver Operation is five (5) acres. The Planning Commission may waive the minimum lot size requirement if an applicant for a Primary Caregiver Operation can provide written documentation showing that a proposed Primary Caregiver Operation: (1) effectively meets the requirements of this Section; and (2) will not impose nuisances on neighboring parcels despite being on a parcel that is less than five (5) acres.
 3. There shall be no more than one Primary Caregiver Operation per parcel. The Planning Commission may waive this limitation by allowing an additional Primary Caregiver Operation at the same parcel if an applicant for an additional Primary Caregiver Operation at the same parcel can provide written documentation showing that the combined uses at the same parcel will: (1) effectively meet the requirements of this Section; and (2) will not impose nuisances on neighboring properties despite having multiple Primary Caregiver Operations.
 4. All lighting shall be subject to the following:
 - a. All lighting shall be directed away from and be shielded from adjacent parcels and shall be so arranged as to not adversely affect adjacent parcels or driver visibility on adjacent public roads.

- b. Grow lights shall not be used before 6:00 a.m. local time and shall not be used after 9:00 p.m. local time where they are visible from any adjacent parcels or rights-of-way.
-
- 5. The operation and design shall minimize any impact to adjacent uses and ensure that no odor is detectable at the property line, and shall use, maintain, and operate an air scrubbing and carbon filtration system or Reasonably Available Odor Control Technology approved by the Planning Commission.
 - 6. A Primary Caregiver Operation within the Township shall not create a public nuisance which unreasonably disturbs or annoys the quiet, comfort, or repose of a reasonable person of normal sensitivities in the vicinity. No person shall commit, create, or maintain such public nuisance including by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazard, light pollution, toxic chemicals, or other public nuisance conditions that would offend a reasonable person of normal sensitivities.
 - 7. No signs or advertisements related to a Primary Caregiver Operation shall be permitted on the exterior of any structure on the parcel.
 - 8. Any storage of chemicals used for marijuana such as herbicides, pesticides, and fertilizers shall be stored in a reasonably safe and prudent manner.
 - 9. Primary Caregiver Operations shall use lawful methods to dispose of waste or by-products from any lawful marijuana activities allowed within the Township according to all applicable local, state, and federal laws and regulations.
 - 10. No outdoor Primary Caregiver Operations will be allowed. Growing or cultivation of marijuana is not permitted in open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure.
 - 11. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure where required by applicable codes, including but not limited to areas where electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marijuana are located.
 - 12. To ensure compliance with all applicable requirements and laws, the portion of any building or structure where a primary caregiver assisting other patients acquires, possesses, cultivates, processes, transfers, or uses marijuana is subject to inspection and approval by a Township representative, including, but not limited to: (1) a code enforcement officer; (2) a law enforcement official serving the Township; (3) a building official; or (4) the Building Inspector. Moreover, any parcel and all enclosed, locked facilities on a parcel with a Primary Caregiver

Operation shall be available for inspection upon request by a building official, code enforcement officer, law enforcement official, or the Building Inspector.

13. A Primary Caregiver Operation's marijuana cultivation, processing, use, and transfer shall be maintained in compliance with the requirements of Township ordinances and the MMMA. Any departure shall be grounds to revoke a permit consistent with the Zoning Ordinance at a hearing.

SECTION 5. AMENDMENT OF CHAPTER 5, SECTION 5.5.2, CONDITIONAL USES:
Section 5.5.2, Agricultural District, Conditional Uses is hereby amended to provide as follows:

Section 5.5.2 Conditional Uses

The following uses are permitted in this district upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. The necessary conditions for approval of any of these uses shall be a demonstrated need for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site and surrounding properties. (*Amended by Ordinance 31, August 2009.*)

- A. Agricultural research and development facilities, public and private.
 - Agricultural businesses or uses.
 - Bed and breakfast establishments.
 - Cemeteries.
 - Commercial windmills.
 - State licensed residential facilities—group day care home.
 - Kennels.
 - Large scale livestock enterprises.
 - Public or private outdoor recreation or park facilities.
 - Riding Stables.
 - Rural businesses providing needed services to local and seasonal residents of areas surrounding a particular use. These may include convenience stores with or without gasoline and other automotive products, garages or repair shops, offices, shops, or other small business establishments.
 - Sawmills and other forestry related businesses.
 - Schools and commercial day care facilities.
 - Slaughter houses.
 - Telecommunication towers and antennas (see Section 4.10).
 - Secondary dwellings for an elderly or infirm family member during the period of convalescence or debility (see Section 5.5.5).
 - Large Scale Wind Energy Conversion Systems (LWECS) (*Amended by Ordinance 36, March 2012*).
 - Primary Caregiver Operations.
- B. A roadside stand for the sale of agricultural products, provided that:
 1. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
 2. The products sold at any stand are mainly grown or produced on the premises.

- C. A temporary manufactured home or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot.
 - 1. The manufactured home or approved structure will be removed within 18 months or as soon as the original reason for the temporary dwelling has ceased, whichever comes first;
 - 2. The manufactured home will be connected to an approved well and septic system; and
 - 3. Will be anchored securely and properly and will follow all other applicable Township, county, state, and federal regulations.
 - 4. The Zoning Administrator may in extraordinary circumstances extend the zoning permit for this use for one year.

SECTION 6. AMENDMENT OF CHAPTER 5, SECTION 5.7.2, CONDITIONAL USES:
 Section 5.7.2, Country Estate District, Conditional Uses is hereby amended to provide as follows:

Section 5.7.2 Conditional Uses

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 4.15 for Landscaping Standards.

- A. Bed and breakfast establishments.
 Cemeteries.
 Churches and other religious institutions.
 State licensed residential facilities—group day care home.
 Lodges and Clubs.
 Private stables, accessory to and on the same parcel as a principal dwelling.
 Public and private outdoor recreational establishments, excluding rifle ranges or gun clubs.
 Schools and day care facilities.
 Secondary dwellings for an elderly or infirm family member during the period of convalescence or debility (see Section 5.7.5).
 Large Scale Wind Energy Conversion Systems (LWECS) (*Amended by Ordinance 36, March 2012*).
 Primary Caregiver Operations.
- B. A roadside stand for the sale of agricultural products provided that:
 - 3. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
 - 4. The products sold at any stand are mainly grown or produced on the premises.
- C. A temporary manufactured home or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot.

1. The manufactured home or approved structure will be removed within 18 months or as soon as the original reason for the temporary dwelling has ceased whichever comes first;
2. The manufactured home or approved structure will be connected to an approved well and septic system; and
3. Will be anchored securely and properly and will follow all other applicable Township, county, state, and federal regulations.
4. The Zoning Administrator may in extraordinary circumstances extend the zoning permit for this use for one year.

SECTION 7: SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrase or words of this Ordinance.

SECTION 8: REPEAL. All ordinances or parts of ordinances in conflict with this amendment are hereby repealed.

SECTION 9: SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: Hickmott, Philbrick, Selinski, Durfee, and Morris

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Jim Morris, Township Supervisor

WEST BRANCH TOWNSHIP, OGEMAW COUNTY
MARIJUANA ESTABLISHMENTS ORDINANCE

ORDINANCE NO. 53

At a Special Meeting and public input session of the Township Board of West Branch Township, Ogemaw County, Michigan, held at the Township Hall on September 22nd, 2021, at 6:00 p.m., Township Board Member James Morris moved to adopt the following ordinance, which motion was seconded by Township Board Member Mike Selinski :

AN ORDINANCE TO IMPLEMENT THE PROVISIONS OF THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, WHICH AUTHORIZES THE LICENSING AND REGULATION OF MARIJUANA ESTABLISHMENTS; AND TO REGULATE THE SAME BY REQUIRING A LICENSE AND COMPLIANCE WITH REQUIREMENTS AS PROVIDED IN THIS ORDINANCE, IN ORDER TO MAINTAIN THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND VISITORS TO THE TOWNSHIP.

THE TOWNSHIP OF WEST BRANCH, COUNTY OF OGEMAW, ORDAINS THAT:

SECTION 1: LEGISLATIVE INTENT AND PURPOSE. The Township of West Branch intends to issue licenses for and regulate Marijuana Establishments to the extent they are allowed under the Michigan Regulation and Taxation of Marihuana Act. The Township does not intend that permitting and regulation under this ordinance be construed as a finding that such establishments comply with any law. By requiring a license and compliance with the requirements of this Ordinance, the Township intends to protect the public health, safety, and welfare.

SECTION 2: DEFINITIONS. Words and phrases contained in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (hereafter, “MRTMA” or “Act”), and the rules promulgated pursuant to the Act, shall have the same meanings in this Ordinance as in the Act or rules.

“Applicant” shall mean the person who files an Application for a Marijuana Establishment License in West Branch Township.

“Application” means the forms, documents, materials, statements, submissions, and any other thing provided in support of a request for a License under this Ordinance and includes all supplemental documentation attached or required to be attached thereto.

“Co-location” means the operation of separate Establishments at the same location, premises, or property.

“Designated Consumption Establishment” means a commercial space licensed by the state to permit adults 21 years of age and older to consume marijuana products at the location indicated in the license.

“Marijuana Establishment” or “Establishment” means a Marijuana Establishment as that term is defined in the MRTMA being a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, designated consumption establishment, excess marijuana grower, marijuana event organizer, temporary marijuana event license, or any other type of marijuana-related business Licensed by the Marijuana Regulatory Agency.

“Excess Marijuana Grower” as that term is defined in the MRTMA being a person holding five (5) stacked Class C Marijuana Grower Licenses and licensed to cultivate marijuana and sell or otherwise transfer marijuana to Marijuana Establishments.

“Marijuana Grower” or “Grower” means a Marijuana Grower as that term is defined in the MRTMA being a person who cultivates and sells marijuana to other facilities, as permitted by the MRTMA, which includes all of the following:

Class A Marijuana Grower, which is a maximum of 100 plants under the MRTMA.

Class B Marijuana Grower, which is a maximum of 500 plants under the MRTMA.

Class C Marijuana Grower, which is a maximum of 2,000 plants under the MRTMA.

“LARA” shall mean the Michigan Department of Licensing and Regulatory Affairs.

“License” means a provisional or final approval issued by the Township pursuant to the MRTMA that allows a person to operate an Establishment in the Township under this Ordinance, which License may be granted to a Licensee only for and limited to a specific premises and a specific property.

“Licensee” means a person holding a current and valid License issued under this Ordinance.

“Marijuana” means marijuana as defined in the MRTMA.

“Marijuana Event Organizer” as that term is defined in the MRTMA being a person licensed to apply for a temporary marijuana event license under the Act or rules.

“Michigan Regulation and Taxation of Marihuana Act” or “MRTMA” means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*, and the rules promulgated pursuant to the MRTMA.

“Marijuana Microbusiness” as that term is defined in the MRTMA being a person that cultivates not more than 150 plants; processes and packages it; and sells it to individuals who are 21 years of age or older or to a marijuana safety compliance facility but not to other businesses.

“MRA” or “Department” means the Marijuana Regulatory Agency or its successor agency or any designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marijuana Establishment.

“Marijuana Processor” or “Processor” as that term is defined in the MRTMA being a person licensed to obtain marijuana from Marijuana Establishments; process and package marijuana; and sell or otherwise transfer marijuana to Marijuana Establishments.

“Marijuana Retailer” as that term is defined in the MRTMA being a person licensed to obtain marijuana from Marijuana Establishments and to sell or otherwise transfer marijuana to Marijuana Establishments and to individuals who are 21 years of age or older.

“Marijuana Safety Compliance Facility” as that term is defined in the MRTMA being a person licensed to test marijuana, including certification for potency and the presence of contaminants.

“Marijuana Secure Transporter” as that term is defined in the MRTMA being a person licensed to obtain marijuana from Marijuana Establishments in order to transport marijuana to Marijuana Establishments.

“Person” means a natural person, individual, company, partnership, trust, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose and any other entities included in the definition of “person” in MRTMA.

“Planning Commission” means the planning commission of West Branch Township as appointed by the West Branch Township board.

“State License” means a valid state operating license issued by the MRA or LARA under the MRTMA.

“Temporary Marijuana Event” as that term is defined in the MRTMA being an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on the license during the dates indicated on the state license.

“Township Board” shall mean the West Branch Township Board.

“Township Clerk” shall mean the West Branch Township Clerk or his or her designee.

“Zoning Administrator” shall mean the West Branch Township Zoning Administrator or his or her designee.

“Zoning Ordinance” means the West Branch Township Zoning Ordinance, as amended.

SECTION 3: AUTHORIZATION OF MARIJUANA ESTABLISHMENTS, LICENSE REQUIRED, NUMBER OF LICENSES AVAILABLE, FEE, GENERAL PROVISIONS.

A. The Township hereby authorizes the operation of the following types of Marijuana Establishments, subject to the number of available Licenses issued in this Section:

1. Marijuana Safety Compliance Facilities; and
2. Marijuana Retailer.

B. The number of Marijuana Establishment Licenses in effect at any time shall not exceed the following maximums within the Township:

1. Class A Grower – Zero
2. Class B Grower – Zero
3. Class C Grower – Zero
4. Excess Marijuana Grower – Zero
5. Marijuana Processor – Zero
6. Marijuana Secure Transporter – Zero
7. Marijuana Retailer – **TWO (2)**
8. Marijuana Safety Compliance Facility – **ONE (1)**
9. Marijuana Microbusiness – Zero
10. Designated Consumption Establishment – Zero
11. Marijuana Event Organizer – Zero
12. Temporary Marijuana Event – Zero

The Township Board may review and amend these numbers by resolution annually or as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a License previously issued.

C. It shall be unlawful for any person to engage in, or be issued a License for, the operation of the following Marijuana Establishment:

1. Class A Grower
2. Class B Grower
3. Class C Grower
4. Excess Marijuana Grower

5. Marijuana Processor
 6. Marijuana Secure Transporter
 7. Marijuana Microbusiness
 8. Designated Consumption Establishment
 9. Marijuana Event Organizer
 10. Temporary Marijuana Event
- D. A nonrefundable License application fee shall be paid by the Applicant for each License sought under this Ordinance in the amount of \$5,000.00. The License fees are to defray the application, administrative, and enforcement costs of the Township associated with the Marijuana Establishments.
- E. Additional fees as reflected on the Township Fee Schedule must be submitted for a special use permit, site plan review, or any other review or fee required in their normal course at the time any other application is submitted.
- F. Prior to the expiration of the License, and as provided in this Ordinance, the Licensee may apply for a renewal of the License for an additional one-year period at a nonrefundable application fee of \$5,000.00.
- G. After an Applicant has held a License for an initial three (3) year period, the Applicant may apply to transfer the License to another person. The person the License is being transferred to shall pay a \$5,000.00 transfer application fee. The Township may adjust the amount of the application and License fees by resolution of the Township Board.
- H. A License or Renewal License shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Licensee, and shall remain valid only for one (1) year immediately following its approval.
- I. Each year, any pending Applications for renewal or amendment of existing Licenses shall be reviewed and granted or denied before Applications for new Licenses are considered.

SECTION 4: REQUIREMENTS AND PROCEDURE FOR ACCEPTING APPLICATIONS AND ISSUING MUNICIPAL LICENSES.

- A. Time to Accept Applications. Except for the Initial Application Period, the Township Clerk shall only accept applications for Licenses when designated by the Township Board. No applications for Licenses shall be accepted by the Township Clerk unless the Township Board has specifically approved an application window to accept applications. The dates, times, duration, and places to accept Applications shall be determined by the Township Board and made available publicly prior to the receipt of Applications.

- B. Initial Application Period. Initial applications shall be accepted on the 60th day following the effective date of this Ordinance and shall continue for a period of 14 days (the “Initial Application Period”). At the expiration of the Initial Application Period, the Township Clerk shall compile a list of each Applicant for each available License type.
- C. Application Numbers. Upon an Applicant’s completion of the described form and furnishing of required information, documentation, and fees, the Township Clerk shall file the Applications and assign each a sequential application number by establishment type based on the date and time of acceptance.
- D. Cure Period. After receipt of the Application after the close of an application window, if the Township Clerk identifies or is informed of a deficiency in an Application, the Applicant shall have seven (7) days to correct the deficiency after notification by the Township Clerk. Notification shall be provided by the Township Clerk via e-mail at the address provided on the Application and the seven (7) days to correct the deficiency will automatically start the day after the notification is sent. Competitive Review will only occur after all applicants who submitted an Application in an Application window have been given seven (7) days to correct any deficiency after notification by the Township Clerk.
- E. Non-Renewed Licenses. Should a License become subsequently available by reason of a previously licensed Marijuana Establishment not renewing, having their License revoked, or the Township Board voting to expand the number of Licenses available, the Township Clerk shall only accept applications for these available Licenses at a time specifically approved by the Township Board.
- F. No Township Interest. No person who is employed by the Township, acts as a consultant for the Township or a Township organization or acts as an advisor to the Township, and is involved in the implementation, administration, or enforcement of this Ordinance, shall have an interest, directly or indirectly, in a Marijuana Establishment.
- G. Application Documents. Every Applicant for a License to operate a Marijuana Establishment shall file an application in the Township Clerk’s office upon a form provided by the Township. The application shall include:
1. The appropriate nonrefundable License application fee in the amount determined by the Township.
 2. If the Applicant is an individual, the Applicant’s name; date of birth; social security number (upon request for background review or other appropriate reason); physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information.
 3. If the Applicant is not an individual:
 - i. The name and physical addresses, including residential and any business address of the Applicant;

- ii. A copy of government-issued photo identifications for its individual owners, members, or stockholders; email address; and one or more phone numbers of each stakeholder of the Applicant, including designation of the highest ranking representative as an emergency contact person;
 - iii. Contact information for the emergency contact person;
 - iv. Articles of incorporation or organization, bylaws, operating agreements, partnership agreements, any amendments to any formation documents, and any and all other formation documents;
 - v. Assumed name registration, if any;
 - vi. Proof of registration with the State of Michigan;
 - vii. A certificate of good standing;
 - viii. Internal Revenue Service EIN confirmation letter;
 - ix. Names and addresses of all owners and their percentage of ownership in the entity accounting for 100% of the ownership interest in the Applicant or, if a trust, the beneficiaries of the trust; and
 - x. If any owner or beneficiary of the Applicant is not an individual, then the Township may require the same information for any entity with ownership or control of the Applicant.
4. The name, address, and parcel identification numbers or numbers for the real property of the proposed Marijuana Establishment.
 5. All documentation showing the Applicant's valid tenancy, ownership or other legal interest in the proposed establishment property and premises. If the Applicant is not the owner of the proposed property, a notarized statement from the owner of such property authorizing the use of the property for the Marijuana Establishment.
 6. A copy of the Special Use Permit and site plan review issued by the West Branch Township Planning Commission, if any.
 7. A location area map of the Marijuana Establishment and surrounding area that identifies the relative locations and the distances (closest property line to the subject Marijuana Establishment's building) to the closest real property comprising a public or private elementary, vocational or secondary school.
 8. An estimate of the number and types of jobs that the Marijuana Establishment is expected to create and the amount and type of compensation expected to be paid for such jobs.
 9. A business plan which contains, but is not limited to, the following:
 - i. The Applicant's experience in operating other similarly permitted or licensed businesses and the Applicant's general business management experience;

- ii. A current organizational chart that includes position descriptions and the names of each person holding each position;
 - iii. Planned tangible capital investment in the township, including if multiple Licenses are proposed, an explanation of the economic benefits to the township to be achieved through the award of such multiple Licenses, with supporting factual data;
 - iv. If a Marijuana Grower Establishment is proposed, the number of plants anticipated;
 - v. Financial structure and financing of the proposed Marijuana Establishment(s); and
 - vi. Community outreach/education plans and strategies.
10. A written description of the training and education that the Applicant will provide to all employees, including planned continuing education for existing employees. Further, a written description of the method(s) for record retention of all training provided to existing and former employees.
 11. A Marijuana Establishment sanitation plan to protect against any marijuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marijuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction into the sewerage system is prohibited.
 12. A detailed description of the anticipated area impact including the proximity of the establishment(s) to properties zoned or used residential; and plans for litter control, loitering, noise mitigation, resident safety, and traffic mitigation.
 13. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no nuisance odor will be detectable at the property line of the establishment.
 14. A detailed plan how the Applicant shall comply with the Township's Blight and Noxious Weeds Ordinance.
 15. Information regarding any other Marijuana Establishment or Commercial Medical Marijuana Facility, similar permit or license, or any other marijuana business or venture that the Applicant, owner, partner, director, officer, or manager of the Applicant, or any entity owned or controlled by any owner, partner, director, officer, or manager of the Applicant is authorized to operate in any other jurisdiction within the State, or another State, and their involvement in each.
 16. A signed acknowledgment that the Applicant is aware and understands that all matters related to marijuana 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 and penalties associated with those laws, rules, and regulations, or

exposure to any penalties associated therewith; and further, 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, damages, or attorney fees that the Applicant may incur as a result of the violation by the Applicant, its stakeholders, owners, partners, directors, officers, managers, or agents of the Applicant of those laws, rules, and regulations.

17. Any other information which may be required by the Township Board, Planning Commission, or Zoning Administrator.

H. Obligation to Supplement. It is always the exclusive responsibility of each Licensee, Applicant, owner, partner, director, officer, or manager at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any license or permit.

I. Competitive Review. MCL 333.27959(4) requires that the Township establish a competitive process to select Applicants who are best suited to operate in compliance with the Act and this Ordinance. When the Township receives applications for more than the number of available Licenses then all Applicants are required to be scored using the applicable scoring rubrics. Applicants will be selected by the Township Board on who is best suited to operate in compliance with the Act within West Branch Township. Such factors to be considered include:

1. The sufficiency of the Applicant's application and business plan including consideration of, but not limited to, the following:
 - i. The Applicant's experience in operating other similarly permitted or licensed businesses and the Applicant's general business management experience;
 - ii. A current organizational chart that includes position descriptions and the names of each person holding each position;
 - iii. Planned tangible capital investment in the township;
 - iv. Expected job creation from the proposed Marijuana Establishment(s) (e.g., the estimate of the number and types of jobs that the Marijuana Establishment is expected to create);
 - v. The number and the type of deficiencies in an Applicant's initial Application;
 - vi. The amount of an Application that is still contingent on other factors (e.g., has the Applicant identified all other businesses that will be directly or indirectly involved in the growing, processing, testing, transporting or sale of marijuana for the Establishment); and

- vii. The level of detail the Applicant provides for material required within the Application.
2. Community outreach/education plans and strategies.
 3. Whether the Applicant, owner, partner, director, officer, or manager of the Applicant or any entity owned or controlled by any owner, partner, director, officer, or manager of the Applicant (“Identified Party”) currently holds a state or local license or permit pursuant to the MMFLA, MRTMA, or another state’s marijuana regulatory framework (“Other Marijuana Permit”) and the Applicant’s past history of regulatory compliance for their other marijuana business. A Township Board member may consider factors such as, but not limited to:
 - i. Whether any Identified Party has ever had any issued License under this Ordinance or any Other Marijuana Permit restricted, suspended, revoked, or not renewed;
 - ii. Evidence the Applicant voluntarily proffers about the Identified Parties securing timely renewal of any Other Marijuana Permit; and
 - iii. The Applicant’s or Identified Parties’ experience operating pursuant to an Other Marijuana Permit. Factors to be considered include the nature and scope of the operation and how long the Applicant or Identified Parties have been operating under the Other Marijuana Permit.
 4. The Applicant’s demonstrated preparedness to provide appropriate employee training on safety procedures, employee guidelines, security protocol, marijuana product information, dosage, and purchasing limits if applicable. Items to be considered for this factor include, but are not limited to the Applicant’s written description of the training and education that the Applicant will provide to all employees; what materials the Applicant has prepared for training its employees; the Applicant’s plan for providing continuing education to its employees to keep them informed of changes in applicable law and regulation; and the written description of the method(s) for record retention of all training provided to existing and former employees.
 5. The location of the Marijuana Establishment and the relative locations and the distances to the closest real property comprising a public or private elementary, vocational, or secondary school; and church or religious institution.
 6. The sufficiency of the safeguards employed by Applicants in the handling of marijuana, chemicals, and nutrients. Relevant factors to be considered by Township Board Members include but are not limited to:
 - i. How the Applicant will control access to marijuana, chemicals, and nutrients within the Establishment;
 - ii. Methods the Applicant will take to store and clearly label all chemicals and nutrients to reduce probability of chemicals and nutrients being used in an unsafe manner; and whether the Applicant will have a designated schedule for use of such chemicals and nutrients.

- iii. The Applicant's sanitation plan to protect against any marijuana, chemical, or nutrient being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marijuana will be rendered unusable upon disposal.
 7. The Applicant's experience using inventory tracking systems, including seed to sale systems, as well as any recordkeeping experience. Relevant factors to be considered by Township Board Members include but are not limited to: years of experience operating a tracking system; types of tracking systems operated; and whether the Applicant has past experience with the State of Michigan's seed to sale tracking system.
 8. Whether the Applicant has secured zoning approval to operate a Marijuana Establishment on real property located within the Township.
 9. Sufficiency of Applicant's odor abatement strategy. Elements to be considered for this factor will include whether the Applicant will have a newly constructed building, engaged in subsequent remedial efforts to contain odor in an existing building, the age of the HVAC system to be used at the Marijuana Establishment, the capacity rating of the odor control technology the Applicant will use in their Marijuana Establishment, and whether the proposed Marijuana Establishment will be located within a building sharing a common HVAC system or walls with other businesses.
 10. Sufficiency of Applicant's security plan. Elements to be considered for this factor will include the type and location of security cameras; the security value of interior and exterior lighting; whether the establishment will use a safe or vault secured on the premises; whether the establishment will be the only business on the property and able to control all customers, visitors, and traffic to the property; and the establishment's ability and commitment to preventing loitering and littering.
 11. Whether the Applicant has a history of non-compliance with the Township's ordinances or with other local, state, or federal laws. In assessing this factor Township Board Members may consider charges an Applicant or Identified Party has been convicted of, and may consider factors such as, but not limited to: the contents of the criminal background checks received by the Township in connection with the Application; the date of the most recent conviction; and the nature of the offense.
- J. Township Board Application Review. All of the applications shall be submitted to the Township Board for review and completion of scoring rubric(s). Each application shall be independently scored by each Township Board member. The Township Clerk shall prepare a list that identifies each application, the corresponding average score of the individual scoring rubrics, and a ranked list of each Marijuana Establishment based on total average score. The scoring rubrics, average scores, and ranked list shall be provided to all applicants and shall be provided upon request.

- K. Consideration by the Township Board. The Township Clerk shall forward the completed scoring rubrics, average scores, and ranked list to the Township Board. The Township Board shall make a determination based upon satisfactory compliance with this Ordinance, Application requirements, and all other permits, certificates, rules or regulations and do one of the following:
1. Grant final approval to the Application and issue the License. If the Application is approved, then the License shall be issued to the Applicant as the Licensee.
 2. Grant final approval to the Application with conditions and issue the License subject to the identified conditions. If the Application is approved, then the License shall be issued to the Applicant as the Licensee.
 3. Reject the Application stating the reasons for such rejection.
- L. Provisional and Final License. The Township Clerk shall issue the Applicant or Applicants approved by the Township Board a provisional License and subsequently a final License after issuance by the State of Michigan for a State License. A provisional License does not authorize operations until a final License is issued, which will only occur upon issuance of the appropriate State License by the State of Michigan and the issuance of a Certificate of Occupancy. Renewal of the License under this Ordinance shall be calculated from the date the Township Board issues the provisional License.
- M. State License Required. Maintaining a valid State License is a condition for the maintenance of a License under this Ordinance and continued operation of a Marijuana Establishment.
- N. Non-Transferable. A License issued under this Ordinance is not transferable without the prior approval of the Township Board, per the requirements of this Ordinance.
- O. Operation Timeline.
1. Marijuana Establishments issued Licenses by the Township shall be fully operational within 365 days following the date the provisional License is issued.
 2. Failure to be fully operational within 365 days following the date the provisional License is issued may be grounds for non-renewal of the License.
 3. If a Licensee is unable to be fully operational within 365 days following the date the License is issued, the Licensee must provide good reason why the Licensee was unable to commence operations as part of its renewal application. The renewal application under this subsection must be received two months prior to the expiration date.

SECTION 5: RENEWAL AND TRANSFER APPLICATIONS.

- A. Subsequent Applications Incorporate by Reference. A Renewal Application or Co-location Application may expressly incorporate by reference information or

documentation contained in the original Application or prior renewal application, making it clear where such information or documentation can be found, provided that the information or documentation has not changed.

B. Competitive Review. Any pending Applications for renewal or amendment of existing Licenses shall be reviewed and granted or denied before Applications for new Licenses are considered. Renewal applications are not subject to competitive review.

C. Renewal Application.

1. *Same Requirements*. The application contents for Renewal Applications are the same as new Applications.
2. *Time to Renew*. Renewal Applications shall be submitted to and received by the Township not less than 90 days prior to the annual expiration of the License. A Licensee whose License expires and for which a complete Renewal Application has not been received by the expiration date shall be presumed to have determined not to seek renewal.
3. *Change in Location*. An Application requesting a change in the location of the establishment to a different parcel or real property shall be submitted and received not less than 120 days prior to the expiration of the License.
4. *Delayed Renewal*. A Licensee whose Application has not been received 90 days prior to the expiration date may rebut the presumption and apply for the right to file a delayed Renewal Application, which shall be granted by the Township unless the Applicant has been found to have defrauded the Township, lost its State License, or committed a material violation of this Ordinance. The application for the right to file a delayed Renewal Application must be filed by the expiration of the License, and the applicable fees shall be paid at the time of the delayed application, and the pre-existing License shall thereupon be extended until action is taken on the delayed Renewal Application, but no longer than 12 months after the expiration date.
5. *Renewal of Provisional License*. A Renewal Application is required from any Applicant who received a provisional License even if a final License has not yet issued. A Renewal Application shall be submitted to and received by the Township not less than 90 days prior to the anniversary of the Board's decision granting a provisional License.

D. Transfer Application. Any unauthorized transfer or attempted transfer of a License or ownership interest in a Licensee constitutes a violation of this Ordinance. Only after the transferee has applied for and obtained approval for the transfer, including without limitation the payment of the same fees for a new License, may a License or Licensee be transferred.

1. *Transfer Application Required*. No Licensee shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the entity holding the License,

whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Board after submitting a transfer application under this Ordinance. The transferee applicant and Licensee must submit a transfer Application to the Township prior to any sale or transfer of stock or membership interest.

2. *Partial Transfer.* Transfers of less than a majority interest may be approved by the Township Board at any time after the License has been issued upon submission of a Transfer Application with the required fee.
3. *Substitution Prior to Approval.* If, prior to the final approval of an Application, an individual Applicant wishes to substitute a different person as Applicant; or an Applicant that is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, seeks to undergo a change in ownership greater than 1%, the current Applicant may submit a written request to the Township Clerk to amend the Application. Upon approval by the Township Clerk, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submits any documents required for a new License under this Ordinance. The Township Board may set a fee by resolution for such a change.
4. *Same Requirements.* The same application contents required of new Applications apply to all Applications to transfer, sell, or otherwise convey an existing License to a new legal entity or individual(s).
5. *Additional Requirements.* Each transfer application shall also include:
 - i. A certified copy of the meeting minutes of the board of directors or members authorizing the transfer, sale, or conveyance of the Licensee or License;
 - ii. If the Licensee is a natural person, a notarized statement or other proof satisfactory to the Township authorizing the transfer;
 - iii. Any purchase agreement for stock or membership interest;
 - iv. Any documents required to reflect that the establishment will be operated and managed consistent with the current filings provided to the Township; and
 - v. Any other information reasonably requested by the Township relevant to the processing or consideration of the Application.

E. Transfer Actions. The following actions constitute transfer of ownership and require a transfer application, application fee, and Township Board approval:

1. *Persons.* Any transfer of more than 1% of an ownership interest in an Applicant or Licensee between Persons constitutes a transfer of ownership.

2. *Corporations.* Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a License constitutes a transfer of ownership.
 3. *Limited Liability Companies.* Any transfer of more than 1% of membership interest or any change in managing members or change in the interest held by any managing members(s) of any limited liability company holding a License constitutes a transfer of ownership.
 4. *Partnerships.* Any transfer of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a License constitutes a transfer of ownership.
 5. *Assets.* Any transfer of more than 1% of the assets held by an Applicant or Licensee within the Township constitutes a transfer of ownership.
- F. Effect of Transfer. Immediately following the approval of a transfer by the Township Board, the transferee(s) will obtain all the interests, rights, obligations, and responsibilities of the previous Licensee. Once a Licensee has transferred his or her ownership interest, any privileges enjoyed by that Licensee under this Ordinance are terminated.

SECTION 6: MINIMUM OPERATIONAL STANDARDS FOR ALL MARIJUANA ESTABLISHMENTS. The following minimum standards shall apply to all Marijuana Establishments within the Township:

- A. License Required. No person shall operate a Marijuana Establishment in the township without a valid License issued by the Township pursuant to the provisions of this Ordinance.
- B. Compliance with Codes and Rules. The Marijuana Establishment shall be maintained and operated so as to comply with all state and local rules, regulations and ordinances. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure required under applicable codes. Establishments shall comply with all respective applicable codes of the local zoning, building, and health departments, except to the extent and manner that they are inconsistent with the MRTMA or this Ordinance.
- C. Specific Rules. Marijuana Establishments shall comply at all times and in all circumstances with the Act, and applicable Michigan law, and the general rules of the MRA, as they may be amended from time to time. It is the responsibility of the Licensee to be aware of changes in the Act. The Township bears no responsibility for failure of the Licensee to be aware of changes in the Act.
- D. Fixed Location. Each Marijuana Establishment shall be operated from the property and premises in the Application. No Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory location, except for a Secure Transporter when engaged in the lawful transport of marijuana.

- E. No Consumption. Consumption or use of marijuana, tobacco products, or alcohol shall be prohibited at the establishment and on the establishment property.
- F. Inspections. The establishment shall be open during the regular business hours to any representative of LARA, State Police officer, County Sheriff Deputy or Local Police Officer, or other official of the Township and said individual(s) may enter the premises, offices, or other place of business of the Licensee, for the following purposes:
1. To inspect and examine all premises of the Marijuana Establishments;
 2. To inspect, examine, and audit relevant records of the Licensee and, if the Licensee or any employee fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored; and
 3. To investigate alleged violations of the Act, this Ordinance and applicable Michigan law.
- G. Security & Surveillance.
1. The Marijuana Establishment and grounds shall be continuously monitored with a surveillance system that includes security cameras. Security surveillance cameras shall be installed to monitor all entrances, along with the interior and exterior of the premises.
 2. The video recordings shall be maintained in a secure, offsite location for a period of 45 days and be available upon request of the Township, State Police, Ogemaw County Sherriff's Office and Local Police Department.
 3. The Marijuana Establishment shall secure every entrance to the establishment and only permit those individuals authorized or described in this Ordinance or the Act access to the premises.
- H. Hours of Operation. No Retailer shall operate between the hours of 9:00 p.m. and 8:00 a.m.
- I. Distance from Certain Uses. No Marijuana Establishment shall be located within 1,000 feet from any school teaching grades K-12 or Township playground properties or within 500 feet from any church, house of worship or other religious facility if such uses are in existence at the time the Marijuana Establishment is established, with the minimum distance between uses measured horizontally between the nearest property lines.
- J. Co-location. Marijuana Establishments may be located at the same premises as other Marijuana Establishments, provided that a License is issued for each individual Establishment and they are operated consistent with any other rule, regulation, or state law.

- K. Stacked License. An Applicant for a Grower may apply to stack another Class C Grower License at the Establishment premises. The applicant shall be subject to the same requirements as a renewal License application, including payment of a separate application fee for each stacked License. Licenses may only be stacked consistent with state law and the rules and regulations promulgated by the MRA.
- L. Amount and Security of Marijuana. The amount of marijuana on the premises and under the control of the Licensee, owner, or operator of the Marijuana Establishment shall not exceed that amount permitted by the License. All marijuana shall be contained within an enclosed, locked, and secured area.
- M. Indoor Operation. All activities of Marijuana Establishments, including without limitation, distribution, growth, cultivation, or the sale of marijuana, and all other related activity permitted under the License must occur indoors.
- N. No Unauthorized Persons. No person operating a Marijuana Establishment shall provide or otherwise make available marijuana to any person who is not legally authorized to receive marijuana under state law.
- O. Waste and Hazardous Substances. Licensees and owners and operators of Marijuana Establishments shall use lawful methods to dispose of waste or by-products from any activities allowed under the License according to all applicable local, state, and federal laws and regulations. Licensees and owners and operators of Marijuana Establishments must dispose of waste from marijuana products in secure waste receptacles and shall render marijuana product waste into an unusable and recognizable form by incorporating the marijuana product waste with other non-consumable solid waste. Licensees and owners and operators of Marijuana Establishments shall manage all hazardous waste subject to Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11101 *et seq.*
- P. Health & Hygiene. All persons working in direct contact with marijuana shall conform to acceptable hygienic practices while on duty, including, but not limited to:
1. Maintaining adequate personal cleanliness;
 2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when their hands may have become soiled or contaminated; and
 3. Refraining from having direct contact with marijuana if the person has or may have a transmittable illness; open lesion, including boils, sores or infected wounds; or any other abnormal source of microbial or viral contamination, until the condition is corrected.
- Q. Litter. Litter and waste shall be properly removed and the operating systems for waste disposal shall not constitute a source of contamination. Rubbish shall be disposed of into

a locked trash contained to eliminate the development of odor and eliminate the potential for waste becoming an attractant, harborage, or breeding place for pests. All building fixtures and other Establishments shall be maintained in a sanitary condition.

- R. Odor Control. The Marijuana Establishment's design and operation shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system. Odor from operations shall be controlled so as to not provide a nuisance to the surrounding area property owners and odors shall be eliminated. Failure to contain odor or odor nuisance are grounds for revoking the License.
- S. Books and Records. Establishments shall maintain log books, databases, and other records of the operations of the Establishment, including but not limited to, all transactions, inventory, and the number of marijuana plants in the Establishment.
- T. Operational Requirements for Retailers.
1. The Marijuana Establishment shall not sell edible marijuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.
 2. The Marijuana Establishment shall not sell or otherwise transfer marijuana unless it is in opaque, child-resistant packages or containers that meet the effectiveness specifications of the rules and the specifications outlined in 16 CFR 1700.15. Marijuana or marijuana products containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.
 3. Marijuana Retailers and their agents shall ensure that all purchasers of marijuana are 21 years of age or older.
 4. Marijuana Retailers are prohibited from selling, soliciting or receiving orders for marijuana or marijuana products over the internet, except as provided below.
 5. A Marijuana Retailer operating pursuant to the MRTMA may accept online orders for marijuana and marijuana products only for delivery to the physical home address of a person over 21 years of age, and in a manner consistent with all applicable state laws and rules, as amended. The individual making the home delivery shall be an employee of the Marijuana Retailer. Any Marijuana Retailer that performs home deliveries shall submit its home delivery procedure to the Township and shall provide the Township with proof the MRA has authorized the Marijuana Retailer's home delivery procedure. All order and delivery methods, including procedures, records, tracking records, logs, and other documents, are subject to inspection and examination by the State and the Township. The Marijuana Retailer shall notify the Township of any theft or loss of marijuana product in connection with a home delivery.
- U. Zoning Compliance. Any Establishment shall only operate and be located within the permitted areas as provided for in this Ordinance and the West Branch Township Zoning Ordinance. All Marijuana Establishments shall comply with applicable requirements of

1. Repeat violations of any requirements of this Ordinance or other applicable law, rule, or regulation. As used in this subsection, the term “repeat offense” means a second (or any subsequent) misdemeanor violation or civil infraction of the same requirement or provision committed within any six-month period and upon conviction or responsibility thereof;
2. Any conviction of delivery of a controlled substance to a minor;
3. Fraud, misrepresentation, or the making of a false statement by the Applicant or any stakeholder of the Applicant while engaging in any activity for which this Ordinance requires a License or in connection with the Application for a License or request to renew a License;
4. The Licensee, its agent, manager, or employee failed to timely submit any document or failed to timely make any material disclosure as required by this Ordinance;
5. The Marijuana Establishment is determined by the Township to have become a public nuisance; or
6. LARA has denied, revoked or suspended the Licensee’s State License.

D. Reconsideration. Should the Township revoke a License, the Licensee shall have 14 days from the mailing of the written notice of revocation to request reconsideration of the decision to the Township Board. Should the Township Board reverse their decision, the Township Clerk shall reinstate the License. Should the Township affirm their decision, the Township Clerk shall mail by first class mail a written notice affirming the decision to the address given on the License application.

SECTION 9: UNLAWFUL ACTIVITIES AND RELATION TO OTHER LAWS. Any act which is a violation of the MRTMA, or any amendment thereto, shall also be considered a violation of this Ordinance. It shall be unlawful to consume marijuana in any public place in the Township of West Branch.

Nothing in this Ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marijuana in any form, that is not in strict compliance with the MRTMA, the Marijuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding marijuana. Strict compliance with any applicable state law or regulation shall be deemed a requirement for the issuance or renewal of any License issued under this Ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or nonrenewal of any License issued under the terms of this Ordinance.

SECTION 10: SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrase or words of this Ordinance.

SECTION 11: REPEAL. Ordinance 49, the West Branch Township Prohibition of Marijuana Establishments Ordinance and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 12: SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 13: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after notice of its adoption is published in a local newspaper.

YEAS: MORRIS, HICKMOTT, PHILBRICK, SELINKI, AND DURFEE

NAYS: NONE

ABSENT/ABSTAIN: NONE

ORDINANCE DECLARED ADOPTED.

James Morris, Township Supervisor



REQUIRED APPLICATIONS AND FEE SCHEDULE (Effective October 13th 2021)

Department	Type of Zoning	Classification	Fee	Project Description
Zoning	Standard Zoning Permit	Permitted Uses	\$75.00	New structures as a Permitted use in the zone district where the proposed project is located.
Zoning	Standard Zoning Permit	Accessory Structures Permitted Use	\$40.00	New Accessory Structures as Permitted in the zone district where the proposed project is located.
Zoning - Zoning Administrator	Standard Zoning Permit	Decks, Patios, and Fences.	\$25.00	New Decks, patios, and fences must meet zoning regulation for the zone district where the project is located.
Zoning - Zoning Administrator	Standard Zoning Permit	Demolition	\$10.00	Full or partial Demolition of Structures including main and accessory structures
Zoning - Planning Commission	Site Plan Review - Planning Commission	Public and Municipal Utilities	\$150.00	Would require the Utility company to provide site plans for proposed projects in the township including but not limited to phone lines, sewer water lines, gas lines, and other essential services.
Zoning - Planning Commission	Site Plan Review - Planning Commission	Temporary Use Events	\$75.00	Events open to the public - Festivals, Carnivals, and any other events the Zoning administrator deems applicable. (event associated accessory items and equipment)
Zoning - Zoning Administrator	Standard Zoning Permit - Signs -	Signs	\$50.00	Applies to all signs located in the township under Ordinance number 45.
Zoning - ZBA	Variance Requests	Public Hearing before ZBA	\$350.00	Request made by resident after the initial zoning decision was rejected or proposed project is outside scope of zoning ordinance.
Zoning	Interpretation Request by applicant	Applicant Request	\$300.00	Request made by resident for interpretation of the zoning regulations.
Zoning - Planning Commission , ZBA	Special Meeting Request	Applicant Request	\$425.00	Request made by resident for a special meeting of a planning board.
Zoning - Planning Commission	Special Use Considerations - Planning Commission	Conditional uses	\$400.00	Special use consideration is for conditional uses in zone districts and for all uses in the I-75 Business Overlay District. Requires Planning commission review.
Zoning - Planning Commission	Planned Unit Development - Planning Commission	Unit Development	\$400.00	Planned Unit Developments require review by the planning commission and follow regulations of the zoning ordinance.
Zoning - Planning Commission	Major Site Plan Review - Planning Commission	Additional Requirements in Zoning Ordinance	\$300.00	Requires planning commission review and also all regulations as written in the zoning ordinance
Zoning - Planning Commission	Minor Site Plan Review - Planning Commission	Additional Requirements in Zoning Ordinance	\$75.00	Requires planning commission review and also all regulations as written in the zoning ordinance
Zoning	Rezoning in Accordance with the Master Plan	Additional Requirements in Zoning Ordinance	\$300.00	Review Zoning ordinance on procedures for this subject
zoning	Rezoning not in Accordance with the Master Plan	Additional Requirements in Zoning Ordinance	\$500.00	Review Zoning ordinance on procedures for this subject
Zoning - Planning Commission	Plats and Site Condominium Development Review	Condo development and neighborhood plats	\$600.00	This will require review by the planning commission and will require other steps as written in the zoning ordinance
Equalization	Land Divisions	Property splits	\$50.00	This process begins with the county equalization department then moves to the zoning administrator
Township Board / Zoning	Marijuana Facilities Application / Renewals	Initial Application and Renewals of applications	\$5,000.00	For Initial Application and application renewals for a Recreation Sales Facility or for a Safety Compliance Facility.