

**REPUBLIC TOWNSHIP
MARQUETTE COUNTY, MICHIGAN
MEDICAL MARIHUANA FACILITIES ORDINANCE**

Ordinance No: 2018-38

At a meeting of the Township Board of Republic Township, Marquette County, Michigan, held at the Republic Township Hall on July 19, 2018, 2018, at 10:00 a.m., Township Board Member John Ulrich moved to introduce the following Ordinance, which motion was seconded by Township Board Member Thomas Stankus:

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in Republic Township pursuant to Public Act 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

REPUBLIC TOWNSHIP, MARQUETTE COUNTY, MICHIGAN ORDAINS:

SECTION I: TITLE

This Ordinance shall be known as and may be cited as the Republic Township Medical Marihuana Facilities Ordinance.

SECTION II: DEFINITIONS

The following words and phrases shall have the following definitions when used in this Ordinance:

1. “*Application*” means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the “*Applicant*.”
2. “*Clerk*” means the Republic Township Clerk or his/her designee.
3. “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
 - a) “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
 - b) “*Processor*,” as that term is defined in the MMFLA;
 - c) “*Secure Transporter*,” as that term in the MMFLA;

- d) “*Grower*,” as that term is defined in the MMFLA;
 - e) “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
4. “*Department*” means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.
 5. “*License*” means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
 6. “*Licensee*” means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.
 7. “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
 8. “*Medical Marihuana*” means that term as defined in MCL 333.26423.
 9. “*Paraphernalia*” means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.
 10. “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
 11. “*Permit*” means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.
 12. “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
 13. “*Permitted Premises*” means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.
 14. “*Permitted Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
 15. “*Person*” means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

16. “*Registry Identification Card*” means the document issued to a Patient or a Primary Caregiver and defined under MCL 333.26423(i).
17. “*Township*” means Republic Township, a general law township located in Marquette County, Michigan.
18. “*Valid Insurance Policy*” means a commercial general liability insurance policy satisfactory to the Township Board.

SECTION III: AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. The following Commercial Medical Marihuana Facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance:
 - a) Not more than 10 grower(s) shall be authorized in the Township, which number shall include all of the following Class A, Class B and Class C growers authorized in the Township:
 - 1) Not more than 5 Class A growers (500 marihuana plants) may be authorized in the Township.
 - 2) Not more than 5 Class B growers (1,000 marihuana plants) may be authorized in the Township.
 - 3) Not more than 5 Class C growers (1,500 marihuana plants) may be authorized in the Township.
 - b) Not more than 2 processor(s) shall be authorized in the Township.
 - c) Not more than 2 provisioning center(s) shall be authorized in the Township.
 - d) Not more than 2 safety compliance facilities shall be authorized in the Township.
 - e) Not more than 1 secure transporter shall be authorized in the Township.
2. No Person shall operate a Commercial Medical Marihuana Facility at any time or any location within the Township unless a currently-effective Permit for that Person at that location has been issued under this Ordinance.
3. Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.

4. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
5. At the time of Application, each Applicant shall pay an annual Application fee for a Permit to the Township to defray the costs incurred by the Township for inspection, administration and enforcement of the local regulations regarding Commercial Medical Marijuana Facilities. The Township Board shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. All fees paid by an Applicant are nonrefundable, regardless of whether an Applicant receives a Permit.
6. A Permit and a renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid for 1 year following its approval.
7. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
8. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes to any of the information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.
9. No change in control of a business organization or any attempted transfer, sale, or other conveyance of an interest of more than 1% in a Permit, whether through a single transaction or the combined sum of multiple transactions, is permitted unless transferee has submitted an appropriate Application and all required fees under this Ordinance.
10. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for Township officials or any state, federal or local law enforcement to conduct random and unannounced examinations of the Facility and all articles of property in that Facility at any time to ensure compliance with this Ordinance, any other local regulations, state or federal law, and with the Permit.
11. A Permit Holder may not engage in any other Commercial Medical Marijuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.
12. The original Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.

SECTION IV: APPLICATION FOR, TRANSFER OF, AND RENEWAL OF PERMITS

1. **Application.** An Application for a Permit for a Facility shall be submitted to the Clerk, and shall contain the following information:
 - a) The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Commercial Medical Marihuana Facility;
 - b) The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
 - c) One (1) copy of all the following:
 - 1) All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
 - 2) If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicates its legal status, attach a copy of all company formation documents (including amendments), a statement of all owners and their percentage of ownership in the company or corporation accounting for 100% of the ownership interest in the proposed Commercial Medical Marihuana Facility, proof of registration with the State of Michigan, and a certificate of good standing.
 - 3) Proof of a Valid Insurance Policy in the form demonstrating the coverage as required by resolution of the Township Board that will be obtained by the Applicant, if the Application is approved and a Permit is issued.
 - 4) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - 5) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 6) Application for Sign Permit, if any sign is proposed.
 - 7) Non-refundable Application fee.

- 8) Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
 - i. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - ii. A security plan meeting the requirements of Section V of this Ordinance, which shall include a general description of the security systems(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
 - iii. A description by category of all products and services to be sold or marketed.
 - iv. Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
 - v. 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 odor will be detectable from outside of the Permitted Premises.
 - vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- 9) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
- 10) Any information regarding whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- 11) Any information regarding whether any Applicant holds or has held a license, permit, or other ownership interest in any Commercial Medical Marihuana Facilities in any other jurisdiction.

- 12) Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the Permitted Premises and the Permitted Property.
 - 13) Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
- d) Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
 - e) Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.

2. Renewal Application.

- a) The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications shall be submitted to and received by the Clerk not less than sixty (60) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than ninety (90) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The Township will not accept Renewal Applications after the expiration date of the Permit.
- b) At the time of renewal of such permit; the Applicant (as long as they meet state requirements and hold the correct state license) may change the class of their Grower Permit, provided such permits are available under the Ordinance. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.

3. Transfer Application.

- a) The same requirements that apply to all new Applications for a Permit apply to all Applications transferring an existing permit to a new legal entity or individual. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
- b) No Permit Holder shall transfer any ownership interest in a Permit without first obtaining the express approval of the Township Board. Any unauthorized transfer or attempted transfer of an ownership interest in a Permit constitutes a violation of this Ordinance.

Transfer of Control of a Permit Holder.

- c) No Permit Holder shall transfer, sell, or otherwise convey more than 1% of the ownership interest in the Permit, whether in a single transaction or the sum of multiple transactions, without the express approval of the Township Board.
- d) The Applicant and Permit Holder must submit a change in control transfer Application to the Clerk prior to any sale or transfer of stock or membership interest. The Application shall include all of the following:
 - 1) The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
 - 2) If the Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, attach a copy of all company formation documents (including amendments), purchase agreement for stock or membership interest, and a certified copy of the meeting minutes of the board of directors or members authorizing the sale of stock or membership interest.
 - 3) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - 4) Any information regarding whether any Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
 - 5) Any information regarding whether any Applicant holds or has held a license, permit, or other ownership interest in any Commercial Medical Marihuana Facilities in any other jurisdiction, and the Applicant's involvement in each Facility.
 - 6) A non-refundable Application fee, as set by resolution by the Township Board.
 - 7) Any documents required to reflect that the Commercial Medical Marihuana Facility will be operated and managed consistent with the current filings provided to the Township.
 - 8) Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.

- e) If, prior to the 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 more than 1%, the current Applicant may submit a written request to the Clerk to amend the Application. Upon approval by the Clerk, the current Applicant may amend the Application to reflect such a change in identity or ownership, provided that the substituted Applicant(s) submit the documents required under Section IV(4)(b). The Township Board may set a fee by resolution.
- f) The following actions constitute transfer of control and require Township approval.
 - 1) *Corporations.* Any transfer of stock or any change in principal officers or directors of any corporation holding a Permit constitutes a transfer of ownership interest.
 - 2) *Limited Liability Companies.* Any transfer of membership interest or any change in managing members of any limited liability company holding a Permit constitutes a transfer of ownership.
 - 3) *Partnerships.* Any transfer of partnership interest or any change in general or managing partners of any partnership holding a Permit constitutes a transfer of ownership interest.

4. Preliminary Review of Evaluation Factors by the Review Board.

- a) After receiving an Application, the Township Clerk shall forward that Application, along with any accompanying attachments or exhibits, to the Township Board for review.
- b) In reviewing an Application requesting issuance of a Permit, the Township Board may consider and/or weigh the following factors:
 - 1) The thoroughness and timeliness of the Application, including compliance with all requirements established in this Ordinance, or any other regulation established by the Township.
 - 2) Whether the Applicant has a history of non-compliance with the Township's ordinances or with other local, state, or federal laws.
 - 3) Whether the Applicant has previously failed to pay taxes, special assessments, or other payments due to the Township.
 - 4) Whether the proposed Facility will negatively impact the character, aesthetics, safety, or welfare of surrounding businesses and neighborhoods.

- 5) The geographic location of the proposed Facility, including its proximity to densely populated areas or to other proposed or approved Facilities.
- 6) The increased policing requirements associated with the approval of the proposed Facility, including the costs of any such requirements.
- 7) Whether the Applicant has appropriately identified potential environmental issues, including steps to prevent or mitigate those issues.
- 8) The ability of the Applicant to maintain effective control against diversion of Marijuana and Marijuana products.
- 9) The capital available to the Applicant for compliance with the requirements of this Ordinance, including the need to install additional equipment, hire additional employees, or otherwise expend monies as unanticipated issues arise in connection with the proposed Facility.
- 10) The Applicant's demonstrated preparedness to provide appropriate employee working conditions, benefits, and specialized training.
- 11) The Applicant's experience in the Medical Marijuana industry, including whether the Applicant has any experience in the growth, manufacturing, or transportation of Medical Marijuana or Medical Marijuana products.
- 12) The Applicant's experience using inventory tracking systems, including seed to sale systems, as well as any recordkeeping experience.
- 13) Other experience, training, or certification, possessed or undertaken by the Applicant that may be relevant to the operation of the proposed Facility.
- 14) Any other factor(s) that may affect the health, safety, and welfare or the best interests of the Township.

c) After reviewing the Application, the Township Board shall either approve the recommendation, reject the recommendation, or approve the recommendation with conditions. The determination of the Township Board as to each application shall be final.

5. **Approval, Issuance, Denial and Appeal.** All inspections, review and processing of the Application, including transfer Applications, shall be completed within ninety (90) days of receipt of a complete Application and all required fees. The Township Board shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the

expiration of any Permit. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board. A determination of a complete Application shall not prohibit the Township from requiring supplemental information.

6. **Applications for new Permits where no building is as yet in existence.** Any Applicant for a Commercial Medical Marihuana Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.

7. **Duty to Supplement.**

- a) If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Permit Application, the MMFLA, or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) days from the date upon which such change occurs.
 - b) An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the Applicant, any owner, principal officer, director, manager, or employee within ten (10) days of the event.
 - c) An Applicant or Permit Holder has a duty to notify the Township Board in writing of any pending criminal charge, and any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marijuana, the MMMA, the MMFLA, any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any form of marijuana by the Applicant, any owner, principal officer, director, manager, or employee within (10) ten days of the event.
8. **Effect of Transfer.** Immediately following the approval of a transfer of ownership by the Township Board, transferee(s) will obtain all the interests, rights, obligations, and responsibilities of the previous Permit Holder. Once a Permit Holder has transferred his or her ownership interest, any privileges enjoyed by that Permit Holder under this Ordinance are terminated.

SECTION V: GENERAL REGULATIONS REGARDING AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. **License Required.** A Commercial Medical Marihuana Facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The Facility shall only be operated as long as the state operating license remains in effect.
2. **Compliance with Ordinances.**
 - a) In addition to the terms of this Ordinance, any Commercial Medical Marihuana Facility shall comply with all Township Ordinances, including without limitation the Township Zoning Ordinance, and with all other applicable federal, state and local ordinances, laws, codes and regulations. To the extent that the terms of this Ordinance are in conflict with the terms of any other applicable federal, state or local ordinances, laws, codes or regulations, the terms of the most restrictive ordinance, law, code or regulation shall control.
 - b) Prior to operating a Commercial Medical Marihuana Facility within the Township pursuant to a state operating license, the Facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating Medical Marihuana Facilities, and generally applicable Township police power ordinances. The Facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
3. **Required Spacing.** A Commercial Medical Marihuana Facility shall respect a setback of 800 feet from any educational institution, college or university, church, house of worship or other religious facility. The minimum distance shall be measured horizontally and vertically between the nearest property lines.
4. **Security.** A Commercial Medical Marihuana Facility shall employ and maintain a security system that meets State law requirements and also includes the following:
 - a) Security Surveillance Cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises.
 - b) Robbery and Burglary Alarm Systems which are professionally monitored and operated 24 hours a day, 7 days a week.
 - c) A locking safe permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight, except for Marihuana actively grown in a Grower Facility.

- d) All Marihuana in whatever form stored upon the Permitted Premises shall be stored in a secure manner and shall not be visible from outside the Permitted Premises.
 - e) All security recordings and documentation shall be preserved for at least 7 days by the Permit Holder and made available to any law enforcement agency upon request.
5. **Violations.** If at any time a Commercial Medical Marihuana Facility violates this Ordinance the Township Board may request that the state revoke or refrain from renewing the Facility's License. Once such License is revoked or fails to be renewed, the Clerk shall cancel the Township's authorization and the authorization shall be available to the next Applicant selected by the Township Board as provided for in Section IV herein.
 7. **Sale of Marihuana.** The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.
 8. **Use of Marihuana.** The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the Permitted Premises is prohibited.
 9. **Unpermitted Growing.** A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.
 10. **Distribution.** No person operating a Facility shall provide or otherwise make available Marihuana to any person who is not legally authorized to receive Marihuana under state law.
 11. **Other Permits.** All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the Permitted Premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of Marihuana are located.
 12. **Waste Disposal.** The Permit Holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.
 13. **Required Insurance.** The Permit Holder shall obtain a Valid Insurance Policy consistent with this Ordinance and its Application prior to commencement of construction or operation at the Permitted Premises. The Permit Holder shall maintain the Valid Insurance Policy during operation of the Commercial Medical Marihuana Facility at the Permitted Premises consistent with this Ordinance.
 14. **Co-Location.** Co-location of Licenses is permitted under applicable rules and regulations of the Department.

15. **Stacking.** Stacking of Licenses is permitted under applicable rules and regulations of the Department.
16. **Additional Considerations.** The Township expressly reserves the right to amend or repeal this Ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of Commercial Medical Marihuana Facilities authorized to operate within the Township.
17. **Hours of Operation.** No provisioning center shall operate between the hours of 8:00 p.m. and 8:00 a.m., or on any Saturday or Sunday.

SECTION VI: VIOLATIONS AND PENALTIES

1. Any Person who disobeys, neglects or refuses to comply with any provision of this Ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this Ordinance. A violation of this Ordinance is deemed to be a nuisance per se.
2. A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this Ordinance committed by the same Person within 12 months of a previous violation of the same provision of this Ordinance for which said Person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction. Each day during which any violation continues shall be deemed a separate offense.
3. The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections (1) and (2) of this section, except as excluded from responsibility by state law.
4. In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

5. This Ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

SECTION VII: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII: REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX: EFFECTIVE DATE

This Ordinance shall take effect thirty days after publication upon adoption.

YEAS: Five (5)

NAYS: Zero (0)

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED / NOT ADOPTED



John Ulrich, Republic Township Supervisor

CERTIFICATION

I, Marilyn Brancheau, Clerk of Republic Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2018-38 adopted by Republic Township on the July 19, 2018. A summary of the Ordinance was duly published in the Mining Journal newspaper, a newspaper that circulates within Republic Township, on _____, 2018. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the

ordinance, the names of the members of the township board voting, and how each member voted.
I filed an attested copy of the Ordinance with the Marquette County Clerk on
August 2, 2018.

Marilyn Brancheau
Marilyn Brancheau, Republic Township Clerk