

GALIEN TOWNSHIP

103 Kiley Drive, P.O. Box 246, Galien, MI 49113
269-545-8143 - galientwpboard@yahoo.com - galientownship.org

Galien Township Board Regular Meeting January 17, 2018 7:30pm @ Galien Township Office Agenda

1. Call to Order
2. Roll Call
3. Visitors Comments (limited to 3 minutes per person)
4. Approval of Consent Agenda (Agenda, Minutes and Treasurer's Report)
5. Approval of Bills
6. Building Inspector Contract
7. Reports:
 - a. Police
 - b. Code Enforcer/Zoning Officer
 - c. Fire
 - d. Roads- Mt. Zion and Gardner Estimates
 - e. Drains
 - f. Cemetery-Urn Vaults
 - g. Clerk
 - h. Treasurer
8. Unfinished Business
 - a. Medical Marihuana Police Powers Ordinance
9. New Business
 - a. Pledge of Allegiance & Flags
 - b. 3/31/18 Audit and State Accounting Rule Changes
10. Visitors Comments (limited to 3 minutes per person)
11. Our next meeting is February 21, 2018 @ 7:30pm
12. Adjournment

TREASURERS REPORT
GALIEN TOWNSHIP
January 17th, 2018

GENERAL FUND BALANCE	\$36,622.23	Includes December Interest
CEMETERY FUND BALANCE	\$7,188.01	Includes December Interest
FIRE FUND BALANCE	\$46,574.02	Includes December Interest
SAFETY FUND	\$13,165.16	Includes December Interest
ROAD FUND BALANCE	\$20,699.88	Includes December Interest
TAX ACCOUNT BALANCE	\$289,135.91	Includes December Interest
GT PLANNING COMMISSION FUND	\$14,482.37	Includes December Interest
ZONING/PERMIT FEE FUND	\$190.56	Includes December Interest

GENERAL FUND CD'S

Chemical Bank	\$37,380.24	08/30/18 Interest Rate 1.5%
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CEMETERY FUND CD'S

Chemical Bank	\$22,583.69	04/27/19 Interest Rate 1.75%
Chemical Bank	\$23,290.31	09/20/18 Interest Rate 1.5%
1 st Source Bank	\$12,973.64	10/14/18 Interest Rate 1.5%
1 st Source Bank	\$21,069.77	10/18/19 Interest Rate 2%
1 st Source Bank	\$14,951.09	03/29/19 Interest Rate 1.6%

ROAD FUND CD'S

Chemical Bank	\$28,194.47	09/20/18 Interest Rate 1.5%
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FIRE FUND CD'S

1 st Source Bank	\$38,222.55	05/25/18 Interest Rate 1%
Chemical Bank	\$13,980.34	09/06/18 Interest Rate 1.5%

SAFETY FUND CD

Chemical Bank	\$23,833.07	09/01/18 Interest Rate 1.5%
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10:21 AM

01/15/18

Galien Township General Fund
Deposit Detail
 December 21, 2017 through January 17, 2018

Type	Num	Date	Name	Account	Amount
Deposit		12/31/2017		General Fund	2.63
				000-664 · Interest I...	-2.63
TOTAL					-2.63
Deposit		01/04/2018		General Fund	14,722.53
			State of Michigan	000-574 · State Sha...	-12,814.00
			Galien Twp. Tax Ac...	000-447 · Admin Fe...	-306.80
			Galien Twp. Tax Ac...	000-402 · Property ...	-1,539.32
			Galien Twp. Tax Ac...	000-048 · Tax Reve...	-5.00
			Berrien County Tre...	000-048 · Tax Reve...	-9.24
			Berrien County Tre...	000-048 · Tax Reve...	-48.17
TOTAL					-14,722.53

10:19 AM

01/15/18

Galien Township Planning Commission
Deposit Detail
December 21, 2017 through January 17, 2018

Type	Num	Date	Name	Account	Amount
Deposit		12/31/2017		Chemical Planning...	0.62
				Interest-Savings, Sh...	-0.62
TOTAL					-0.62
Deposit		01/08/2018		Chemical Planning...	250.00
			Jorge Montemayor	Special Use Applicat...	-250.00
TOTAL					-250.00

10:16 AM

01/15/18

Galien Township Safety Fund
Deposit Detail
 December 21, 2017 through January 17, 2018

Type	Num	Date	Name	Account	Amount
Deposit		12/31/2017		Chemical Checking	0.51
				Interest Income	-0.51
TOTAL					-0.51
Deposit		01/04/2018		Chemical Checking	1,088.42
			Galien Township Ta...	Property Taxes	-1,088.42
TOTAL					-1,088.42

10:14 AM

01/15/18

Galien Township Road Fund
Deposit Detail
 December 21, 2017 through January 17, 2018

Type	Num	Date	Name	Account	Amount
Deposit		12/31/2017		Chemical Road Fu...	1.57
				Interest Income	-1.57
TOTAL					-1.57
Deposit		01/04/2018		Chemical Road Fu...	2,177.58
			Galien Twp. Tax Fund	Property Taxes	-2,177.58
TOTAL					-2,177.58

10:08 AM

01/15/18

Galien Township Permit Fund
Deposit Detail
January 1 - 17, 2018

Type	Num	Date	Name	Account	Amount
Deposit		01/16/2018		Permit Fund	348.00
			Blitz Electric	Electrical Permits	-183.00
			Town & Country	Electrical Permits	-165.00
TOTAL					-348.00

10:01 AM

01/15/18

Galien Township Fire Department Fund
Deposit Detail
December 21, 2017 through January 15, 2018

Type	Num	Date	Name	Account	Amount
Deposit		12/31/2017		Checking-Chemical	3.83
				Interest Income	-3.83
TOTAL					-3.83
Deposit		01/04/2018		Checking-Chemical	2,153.03
			Galien Twp. Tax Fund	Property Tax Reven...	-2,153.03
TOTAL					-2,153.03

3:28 PM

01/15/18

Accrual Basis

Galien Township General Fund
Custom Transaction Detail Report
 January 1 - 17, 2018

Type	Date	Num	Name	Memo	Account	Split	Amount	Balance
Jan 1 - 17, 18								
Check	01/05/2018	17204	Semco Energy	0354966.500	General Fund	265-920 · Utiliti...	-22.27	-22.27
Liability Check	01/05/2018	E-pay	United States Treas...	38-2132519 Q...	General Fund	-SPLIT-	-710.87	-733.14
Check	01/10/2018	17205	AT&T Uverse	132259177-3	General Fund	265-920 · Utiliti...	-30.31	-763.45
Check	01/17/2018	17206	AT&T	269 545-8143...	General Fund	265-920 · Utiliti...	-67.67	-831.12
Check	01/17/2018	17207	Indiana Michigan Po...	UTILITIES	General Fund	-SPLIT-	-113.61	-944.73
Check	01/17/2018	17208	Jack Richter	Sexton Wage/...	General Fund	-SPLIT-	-350.00	-1,294.73
Paycheck	01/17/2018	17209	Bruce Williams		General Fund	-SPLIT-	-548.10	-1,842.83
Paycheck	01/17/2018	17210	Gerald Mast		General Fund	-SPLIT-	-39.15	-1,881.98
Paycheck	01/17/2018	17211	Jennifer Richter		General Fund	-SPLIT-	-1,083.05	-2,965.03
Paycheck	01/17/2018	17212	Kathryn Williams		General Fund	-SPLIT-	-39.15	-3,004.18
Paycheck	01/17/2018	17213	Kendra K Truhn		General Fund	-SPLIT-	-704.68	-3,708.86
Paycheck	01/17/2018	17214	Matthew J Kinne		General Fund	-SPLIT-	-105.71	-3,814.57
Paycheck	01/17/2018	17215	Shalice Northrop		General Fund	-SPLIT-	-625.79	-4,440.36
Paycheck	01/17/2018	17216	Sheila Koudelka		General Fund	-SPLIT-	-78.31	-4,518.67
Check	01/17/2018	17217	Galien Township Tre...	37-2000-0002...	General Fund	445-836 · Drai...	-39.10	-4,557.77
Check	01/17/2018	17218	Law office of Sara A...	Account 1263...	General Fund	101-803 · Legal	-200.00	-4,757.77
Jan 1 - 17, 18							-4,757.77	-4,757.77

3:32 PM

01/15/18

Accrual Basis

Galien Township Planning Commission
Custom Transaction Detail Report
January 1 - 17, 2018

Type	Date	Num	Name	Memo	Account	Split	Amount	Balance
Jan 1 - 17, 18								
Check	01/17/2018	1051	Berrien County Rec...	12/28 & 1/11 ...	Chemical Planning ...	Publications	-112.00	-112.00
Check	01/17/2018	1052	Law Office of Sara A...	Account # 12...	Chemical Planning ...	Legal Fees	-1,760.00	-1,872.00
Jan 1 - 17, 18							-1,872.00	-1,872.00

10:09 AM

01/15/18

Accrual Basis

Galien Township Permit Fund
Custom Transaction Detail Report
January 1 - 17, 2018

Type	Date	Num	Name	Memo	Account	Split	Amount	Balance
Jan 1 - 17, 18								
Check	01/17/2018	1002	Ed Carpenter	Permits 12-16...	Permit Fund	Electrical Permit	-34.80	-34.80
Check	01/17/2018	1003	Charles Bassinger	Permits 12-16...	Permit Fund	Electrical Permit	-278.40	-313.20
Jan 1 - 17, 18							<u>-313.20</u>	<u>-313.20</u>

Galien Township Fire Department Fund
Custom Transaction Detail Report
January 1 - 17, 2018

Type	Date	Num	Name	Memo	Account	Split	Amount	Balance
Jan 1 - 17, 18								
Check	01/05/2018	3093	SEMCO	0354966.500	Checking-Chemical	Utilities/Phone	-89.07	-89.07
Check	01/10/2018	3094	AT&T U-VERSE	132259177-3	Checking-Chemical	Utilities/Phone	-30.31	-119.38
Check	01/17/2018	3095	Indiana Michigan Po...	044-582-624-...	Checking-Chemical	Utilities/Phone	-224.69	-344.07
Check	01/17/2018	3096	AT&T (F)	269 545-8143...	Checking-Chemical	Utilities/Phone	-67.66	-411.73
Check	01/17/2018	3097	Baroda Fire Depart...	Training	Checking-Chemical	Training	-50.00	-461.73
Check	01/17/2018	3098	Galien Township Tre...	37-2000-0002...	Checking-Chemical	Property Tax	-39.10	-500.83
Check	01/17/2018	3099	Village of Galien	Fuel 30.6 Gall...	Checking-Chemical	Fuel (Apparatus)	-76.47	-577.30
Jan 1 - 17, 18							-577.30	-577.30

Edward Carpenter
1721 Buffalo Rd
Galien, MI 49113

Galien Township
Galien, Mi 49113

December 16, 2017 thru January 13, 2018

Total number of permits -- 2 electrical

Permit # 1317- E
Issued to -- Danielle Morse
19209 Beaver Dam Rd
Property # 11-09-0017-0009-10-6
For -- bathroom
Fee -- \$183.00

Permit # 1417-E
Issued to -- Michael Slaboch
2074 Olive Branch Rd
Property # 11-09-0022-0009-06-5
For -- garage
Fee -- \$165.00

Permit total -- \$348.00

Total due Ed -- \$ 34.80

Total due Bassinger -- \$278.40



Office of the Sheriff

Berrien County

919 Port Street, St. Joseph, Michigan 49085-1184
Telephone (269) 983-7111 • Fax: (269) 983-9956

L. Paul Bailey
SHERIFF

Charles E. Heit
UNDERSHERIFF

Robert Boyce
CHIEF DEPUTY

Dear Galien Township,

These reports are in keeping with my attempt to improve communication between my department and local governments. There is a need from the law enforcement community to increase the exchange of information between communities and the officers that are patrolling the areas of the county.

For that reason I have developed a program to open up communication between my department and your community. The program "Local Government Contact Program" is an effort to open those lines of communications between your village or township and the Sheriff's Department.

Basically, the program consists of a representative from my department who will attend your monthly board meeting and submit a written report of what activities our department responded to in your area. In some areas the information may be short and in others it may be lengthy.

What I hope will occur with this program is that you will gain a better understanding of what the Sheriff's Departments activities are in your area and in doing so you will have a better understanding of what is happening in your area.

This will also be an opportunity for you to provide the officer, who will attend your meeting, with information or concerns you may have.

The information that will be provided is public information and non-sensitive in nature.

If you have any comments or suggestions please call Chief Deputy Robert Boyce, at 269-983-7141 Ext. 7228.

Thank you,
Sheriff L. Paul Bailey

“STAT SHEET”
Galien Township (09) - Report.

Wednesday, January 17, 2018

Officer Assigned _____

***Galien Township Activities for November, 2017
11-1-2017 / 11-30-2017)**

Number of Complaints Worked in Twp.....	15
Number of Tickets Issued in Twp... ..	6
Number of Arrests.....	5

Berrien County Sheriff Department Totals for November, 2017

Number of Complaints Worked.....	1213
Number of Tickets Issued by BCSD.....	220
Number of Arrests.....	154

GALIEN TOWNSHIP

November 2017 Incidents - Total 14

Incident Type	Incident Date And Time	Incident Number	Incident Address	Incident Address Venue
Accident - Traffic	11/04/2017 04:14:07	2017-00012740	W USHY 12 / GARDNER RD	09 Galien Township
Accident - Traffic	11/05/2017 19:00:52	2017-00012810	W USHY 12 / NYE RD	09 Galien Township
Accident - Traffic	11/14/2017 07:45:30	2017-00013106	W USHY 12 / GARDNER RD	09 Galien Township
Accident - Traffic	11/25/2017 23:47:24	2017-00013592	W USHY 12 / HAMPTON RD	09 Galien Township
Assistance- General-Escorts Serv	11/02/2017 18:42:43	2017-00012690	829 W USHY 12	09 Galien Township
Assistance- General-Escorts Serv	11/14/2017 11:25:03	2017-00013114	4228 KINNE RD	09 Galien Township
Assistance- General-Escorts Serv	11/21/2017 22:55:23	2017-00013440	3961 SPRING CREEK RD	09 Galien Township
Burglary - Forced Entry	11/29/2017 20:46:00	2017-00013772	1670 2ND	09 Galien Township
Death - Natural	11/21/2017 17:47:00	2017-00013425	4450 OLIVE BRANCH RD	09 Galien Township
Disorderly Conduct	11/01/2017 22:42:17	2017-00012645	862 W USHY 12	09 Galien Township
Liquor Violations Other	11/20/2017 15:46:00	2017-00013374	W USHY 12 / ADAMS RD	09 Galien Township
OUIL - OUID	11/14/2017 01:26:26	2017-00013099	W USHY 12 / NYE RD	09 Galien Township
Suspicious Event	11/02/2017 05:21:21	2017-00012650	17536 GARDNER RD	09 Galien Township
Traffic Policing	11/19/2017 05:17:00	2017-00013311	BUFFALO RD / HAMPTON RD	09 Galien Township

Total: 14

1/3/2018 10:24:58 AM

January 17, 2018

**RE: Fire Report
January 17, 2018**

Dear Township Board Members

I was informed the Berrien county Fire Chiefs' agenda for tonight's meeting includes the proposed Radio/Communications grant application that is taking place on a County wide basis.

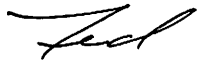
Since this grant application has significant impact to Galien Twp. Both operationally and financially - I feel it is worth my attendance tonight in lieu of the board meeting. Typically you guys get priority.

A few items to note:

- The check you have for the Training in Baroda can be left on my desk. I will take that with me tomorrow evening when I attend the first of 4 classes.
- We had 5 fire responses since our last meeting
 - 2 Mutual Aid Structure fires – 1 Three Oaks, 1 New Carlisle
 - 1 Assist to New Carlisle
 - 1 Personal Injury Accident on US Highway 12
 - 1 response to a gas leak at the SEMCO Regulator Stand on the corner of Second St. and Eaton St. There were no injuries or need for evacuation per SEMCO's protocol. We did communicate with the two families that were most closely affected.
- I am actively working on our own grant application to the Assistance to Firefighter's Grant program. Please know this is a long shot, but worthy of the significant effort on our end.
- Once the grant application is completed, deadline of February 2nd, I will revisit the Garwood lake road address debacle.

As always please don't hesitate to reach out to me if you have any questions or concerns.

Respectfully Submitted,



Ted Chase
Fire Chief

BUILDING OFFICIAL SERVICES AGREEMENT

This Building Official Services Agreement (this "Agreement") is made as of January 17, 2018, between Galien Township, a Michigan municipal corporation, whose address is 103 Kiley, Galien, MI 49113 (the "Township") and Edward Carpenter, whose address is 1721 Buffalo Road, Galien, MI 49113 ("Official").

RECITALS

- A. The Township is a general law township that has decided to enforce the State Construction Code including the State building, electrical, mechanical, and plumbing codes and the local Zoning Ordinance, collectively referred to as the "Codes".
- B. Official is properly licensed and certified to serve as a municipal building official, performing services including building permitting, inspecting, site plan review, and enforcement services under the Codes.
- C. The Township desires designated Official as its building official, and retains Official to perform building and mechanical code permitting, inspection, and enforcement services for the Township.

TERMS AND CONDITIONS

NOW, THEREFORE, the parties agree to the following terms:

1. Designation as Building Official: The Township designates Official as its building official to provide services including permitting, inspection, and enforcement services under the Codes within the Township limits on an "as needed" basis. Official hereby agrees to provide such services when requested by the Township. Specifically, Official shall act as the Township's building official and code enforcement officer.
2. Duties of Official: Official shall have and agrees to perform the following duties:
 - a. All building permitting, inspecting and enforcing services under the Codes;
 - b. Acquire and maintain a full working knowledge of the Codes, to the extent permitted by State law;
 - c. Complete and provide to the Township a permanent record of the duties performed pursuant to this Agreement;
 - d. Process and deliver permits, inspection certificates, certificates of occupancy, and notices of violation as may be required under the Codes;
 - e. Consult with and assist the Township, its administrative staff and its attorneys with respect to problems with particular construction projects, prosecutions for violations of the Codes, questions of interpretation of application of the building portions of the Codes and other matters relating to the performance of inspections and the enforcement of the building portions of the Codes;

- f. Oversee the Township's Building Department, including overseeing inspectors with respect to the issuance of electrical, plumbing, mechanical and other permits;
 - g. Perform all duties specifically listed above or otherwise required of a building official by state law in a timely and competent manner satisfactory to the Township; and
3. Compensation: (i) Official shall be returned an amount equal to eighty percent (80%) of the fees charged for each permit issued and submitted to the Treasurer in connection with any work subject to the state building and mechanical codes, and (ii) the Township shall pay Official \$17.50 per hour for office work within the Township's Building Department as needed. The parties understand that Official will not work more than one (1) hour per day, Monday through Friday.
4. Hours: Official shall schedule all inspections through the Township's Building Department pursuant to any limitations of state law. Official shall be reasonably available and for sufficient amounts of time as the need for such Inspections demands.
5. Performance of Official's Duties: The Township shall neither have nor exercise any control or direction over the methods and means by which Official performs Official's duties and work. However, the Building Official shall report to and shall be accountable to the Township Manager with respect to decisions and actions that affect the policy of the Township and are not dictated entirely by the provisions of the Codes. The Township shall provide and maintain all equipment and supplies necessary to perform the duties required under this Agreement and to pay all ancillary expenses related to such performance. Official shall provide for Official's own transportation for the performance of duties under this Agreement all shall be responsible for all expenses related to the operation of the motor vehicle(s), including without limitation, fuel, repair, maintenance, insurance and other incidental expenses.
6. Insurance:
- a. Vehicle Insurance. Official, at its sole expense shall secure and maintain in force comprehensive motor vehicle liability insurance during the term of the Agreement and shall provide the Township with a copy of certificates of insurance upon request from the Township.
 - b. Comprehensive General Liability Insurance. The Township shall secure and maintain in force comprehensive general liability insurance during the term of the Agreement and shall provide the Official a copy of the certificate of insurance upon request. Such insurance shall include the Official as an additional named insured and shall provide general liability coverage for property damage and personal injury (including death) arising from any act or omission of the Township in the minimum coverage limits:

- i. \$1,000,000 per occurrence; and
- ii. \$2,000,000 aggregate.

7. Governmental Function: The parties agree that the duties performed under this Agreement are governmental functions in accordance with the Building, Mechanical and local Zoning Codes. No party shall waive or otherwise act to jeopardize any immunity available to the other party.
8. Enforcement Duties: Limited by the oversight and approval of the Township and its legal staff, Official shall have authority and discretion to issue citations for violations of the building code and any others of the Codes that Official has the necessary licenses, certifications and other credentials or approvals to enforce.
9. Work Product: Any work product, materials, and documents produced by Official when performing duties under this Agreement shall be and remain the property of the Township. Official shall store such items in a location acceptable to the Township and shall cooperate with the Township in responding to Freedom of Information Act Requests, subpoenas, discovery requests, and all other similar requests for information.
10. Term: The term of this agreement commences immediately upon signing and exists until December 31, 2022 unless terminated by either party by giving 60 days written notice to the other party. However, the Township may immediately terminate this Agreement if Official is not capable of performing the services required by this Agreement.
11. Miscellaneous: This agreement shall constitute the full agreement and understanding of the parties. Any modifications or alteration of it shall be in writing and signed by both parties.

The parties have signed this Agreement as of the date first written above.

Galien Township

Official

By: _____
Bruce Williams, Supervisor

Edward Carpenter

By: _____
Jennifer Richter, Clerk

Date signed: _____

Date signed: December 17, 2018



LOUIS R. CSOKASY
DIRECTOR (INTERIM)

December 21, 2017

ESTIMATE OF COST FOR GALIEN TOWNSHIP

Second Street: From Gardner east to pavement end.

Proposed Work: Sealcoat

Township Cost-2018

Total Township Cost-\$7,400

Road Department Cost-2018

Total Road department Cost-\$1,400

This estimate of cost is good for the 2018 calendar year only. If the actual cost is lower the Township will be billed for the actual cost. If the actual cost is above the estimate the Township will be invoiced for the estimated price provided the scope of the job was not changed or large unforeseen issues were encountered.

Approved Galien Township

Date

Approved Berrien County Road Dept.

Date

Road Dept. Work Order Number _____ (to be assigned by Road Dept.)



LOUIS R. CSOKASY
DIRECTOR (INTERIM)

December 21, 2017

ESTIMATE OF COST FOR GALIEN TOWNSHIP

Mt Zion Road: From US-12 to Gardner.

Proposed Work: Grind, Gravel, Prime and Double Seal

Township Cost-2018

Total Township Cost-\$68,500

Road Department Cost-2018

Total Road department Cost-\$14,500

This estimate of cost is good for the 2018 calendar year only. If the actual cost is lower the Township will be billed for the actual cost. If the actual cost is above the estimate the Township will be invoiced for the estimated price provided the scope of the job was not changed or large unforeseen issues were encountered.

Approved Galien Township

Date

Approved Berrien County Road Dept.

Date

Road Dept. Work Order Number _____ (to be assigned by Road Dept.)

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES IN GALIEN TOWNSHIP, MICHIGAN

Section 1. Purpose

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in Galien Township; to provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a Marihuana Facility in the Township through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each Marihuana Facility Permittee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 2. Definitions

For the purposes of this ordinance:

- A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

- Ordinance No. _____
- AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.
- C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. "Applicant" - means a person who submits an Application under this Ordinance.
- E. "Application" - means a written request for a Permit to operate a Marihuana Facility under this Ordinance containing the information required under Section 4.B.
- F. "Grower" means a Licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- G. "License" - means a current and valid operating License issued by the State of Michigan under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- H. "Licensee" means a person holding a state operating License issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- I. "Marihuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- J. "Marihuana Facility" means an enterprise at a specific location at which a Licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a Marihuana Grower, Marihuana Processor, Marihuana Provisioning Center, Marihuana Secure Transporter, or Marihuana Safety Compliance Facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

- K. "Natural Person" – means a real human being, as distinguished from a corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity which is treated at law as a fictitious person.
- L. "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.
- M. "Permittee" means a person holding a Township operating Permit issued under the provisions of this Ordinance.
- N. "Permit Holder" means the Person that holds a current and valid Permit issued under this Ordinance.
- O. "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.
- P. "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.
- Q. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- R. "Processor" means a Licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.
- S. "Provisioning Center" means a Licensee that is a commercial entity located in Michigan that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or

registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

- T. "Safety Compliance Facility" means a Licensee that is a commercial entity that receives marihuana from a Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the Marihuana Facility.
- U. "Secure Transporter" means a Licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between Marihuana Facilities for a fee.

Section 3. Authorization of Facilities and Fee.

- A. The maximum number of each type of Marihuana Facility allowed in the Township shall be as follows.

1. Type of Facility and Number Allowed:

<u>Facility Type</u>	<u>Number Allowed</u>
Grower	8
Processor	5
Provisioning Center	0 (Zero)
Secure Transporter	2
Safety Compliance Facility	1

2. Type of Grower and Number of Operations Allowed:

<u>Grower Type:</u>	<u>Number Allowed:</u>
Class A (500 marihuana plants)	2
Class B (1,000 marihuana plants)	2
Class C (1,500 marihuana plants)	4

- B. At least once every year after adoption of this ordinance, the Township Board shall review the maximum number of each type of Marihuana Facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Township Board.
- C. A nonrefundable fee shall be paid by each Marihuana Facility Permit issued under this ordinance in an annual amount of not more than \$5,000.00 as set by resolution of the Township Board.

Section 4. Requirements and Procedure for Issuing Permit

- A. No person shall operate a Marihuana Facility in Galien Township without a valid Marihuana Facility Permit issued by the Township pursuant to the provisions of this ordinance. Every applicant for a Permit to operate a Marihuana Facility shall fill out an Application form provided by the Township. Completed Applications for a Medical Marihuana Facility Permit pursuant to this Ordinance shall be in writing, directed to the Township Clerk, and shall contain all of the necessary information provided in Section 4.B. Applications shall initially be submitted to the Township Clerk for processing as described in Section 4.C.
- B. At a minimum, an Applicant shall submit the following information as part of an Application for a Medical Marihuana Facility:
 - 1. A non-refundable Permit Application fee in an amount to be determined by the Township Board by resolution from time to time.
 - 2. The name and address of the proposed Medical Marihuana Facility, along with the parcel number(s).
 - 3. For individuals, the Applicant's name, date of birth, social security number, all residence addresses, all business addresses, a copy of a valid, government-issued photo identification, email address, home, business, and cell phone numbers, emergency contact information (including full name, address, and home and cell phone numbers), and the federal Employer Identification Number (EIN) for the business that is the subject of the Application.
 - 4. For non-individual Applications (corporations, limited liability companies or partnerships, and any other entity other than an individual), the Applicant will

need to provide the following information: the names, date of birth, social security numbers, physical addresses, including residential and business addresses, a copy of a government issued photo identification, email addresses, and one or more phone numbers of each owner, shareholder, stakeholder and/or general or limited partners of the applicant, including designation of the highest ranking owner, shareholder, stakeholder and/or general or limited partner as an emergency contact person and contain information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4, EIN confirmation letter(s), Certificate of Good Standing from the State of Michigan and a copy of the operating agreement of the applicant, if a limited liability company copy of the partnership agreement, if the Applicant is a partnership, or a copy of the by-laws or shareholder agreement if an Applicant is a corporation. The Township reserves the right to ask for additional entity paperwork to verify ownership and structure of the Applicant business, including but not limited to, the right to trace ownership through one or more entities to ascertain the identity of the ultimate Natural Person owners, shareholders, stakeholders or general or limited partners.

5. For every employee of the Marihuana Facility, their name, date of birth, address of physical residence, business address, copy of a government issued photo identification, and email address.
6. For every Applicant, and for every owner, shareholder, stakeholder and/or general or limited partner of the Applicant, they must submit a sworn affidavit, taken under oath, stating that they are at least 18 years of age, that they have never been indicted for, charged with, arrest for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.
7. Applicant(s) and employees under sections 3, 4, and 5 must sign and submit a release authorizing Galien Township to perform a criminal background check to ascertain whether the Applicant, each owner, shareholder, stakeholder, and/or general or limited partner, and each employee of the Marihuana Facility meet the

- criteria set forth in this Ordinance, the cost of which will be paid by the Applicant.
8. An affirmation under oath as to whether the Applicant(s) under sections 3, 4, and 5 have ever applied for or 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.
 9. One of the following: (a) proof of ownership of the entire premises wherein the Marihuana Facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring a Permit under this Ordinance along with a copy of the lease for the premises.
 10. Proof of an adequate premise liability and casualty insurance policy in the amount determined by the Planning Commission in the Special Use Permit process, naming Galien Township as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors.
 11. The Applicant shall include an affidavit that it will defend, indemnify and hold harmless the Township, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities arising out of operations of the Medical Marihuana Facility including, but not limited to, odors, noises or other nuisances.
 12. A description of the security plan for the Marihuana Facility, including, but not limited to, any lighting, alarms, barriers, recording/ monitoring devises, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment.
 13. A crisis response plan.
 14. A floor plan of the Marihuana Facility, as well as a scale diagram by a State of Michigan licensed engineer or architect illustrating the property upon which the Medical Marihuana Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible, and the location of the Material Safety Data Sheets and any chemical storage.
 15. A list of any chemicals being stored on the premises.
 16. An affidavit that neither the Applicant nor any owner of the Applicant is in default to the Township. Specifically, that the Applicant or owner of the

applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the Township.

17. An affidavit that the transfer of Marihuana to and from Marihuana Facilities shall be in compliance with the MMMA and the Medical Marihuana Facilities Licensing Act or other applicable state laws.
18. A staffing plan including anticipated number of employees and whether full time or part time. Additionally, include program for training staff on proper handling and processing of materials, plants, insecticides, chemicals, equipment operating, etc.
19. Any proposed text or graphical materials to be shown on the exterior of the proposed Marihuana Facility.
20. A patient education plan where applicable.
21. A business plan which contains but is not limited to the Applicant's experience in operating other similarly permitted or licensed businesses and the applicants' general business management experience.
22. A location arial map of the Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject Marihuana Facility's building) to the subject Marihuana Facility to the closest real property comprising a church or religious institution if recognized as a tax-exempt entity as determined by the Township Assessor's Office.
23. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewer system is prohibited.
24. Verification, with copies of actual bank statements, showing that the Applicant has liquid funds in the applicant's name in the amount needed to complete the Marihuana Facility, in immediately available funds. In the alternative, the Township Board may waive this requirement if an Applicant can post a performance bond in an amount determined by the Board to be sufficient to secure the performance of the Facility.
25. A contractor bid/quote and the AIA Schedule of Values showing the proposed cost of the Marihuana Facility.
26. As it relates to a Grower Facility, the following additional items shall be required:
 - a. A grower plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments

and/or additives;

b. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be requested, and how the test results will be used;

c. An affidavit that all operations will be conducted in conformance with MMMA, the Medical Marihuana Facilities Licensing Act or other applicable State laws and such operations shall be cultivated on the premises at any one time not more than the permitted number of Marihuana Plants per the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;

d. A chemical and pesticide storage plan that states the names of chemicals and pesticides to be used by the Grower and where and how pesticides and chemicals will be stored in the Facility, along with a plan for the disposal of unused pesticides and chemicals;

e. All growing and storage must be performed within an enclosed locked facility.

27. As it relates to a Processor, the following additional items shall be required:

a. A processing plan that includes at a minimum a description of the Processor methods to be used, including plans for the processing mediums, treatments and/or additives;

b. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be requested, and how the test results will be used;

c. An affidavit that all operations will be conducted in conformance with MMMA, the Medical Marihuana Facilities Licensing Act or other applicable State laws and such operations shall be in conformance with the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;

d. A chemical and pesticide storage plan that states the names of chemicals and pesticides to be used by the Processor and where and how pesticides and chemicals will be stored in the Facility, along with a plan for the disposal of unused pesticides and chemicals;

e. All processing and storage must be performed within an enclosed locked facility.

28. As it relates to a Safety Compliance Facility, the following additional items shall be required:

- a. A testing plan that includes at a minimum a description of the Safety Compliance methods to be used, including plans for the testing mediums, treatments and/or additives;
- b. An affidavit that all operations will be conducted in conformance with MMMA, the Medical Marihuana Facilities Licensing Act or other applicable State laws and such operations shall be in conformance with the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;
- c. A chemical and pesticide storage plan that states the names of chemicals and pesticides to be used by the Safety Compliance Facility and where and how pesticides and chemicals will be stored in the Facility, along with a plan for the disposal of unused pesticides and chemicals;
- d. All testing and storage must be performed within an enclosed locked facility.

29. As it relates to a Secure Transporter, the following additional items shall be required:

- a. A transportation plan that includes at a minimum a description of the transportation methods to be used, including plans for overnight storage of Marihuana and cash at Permitted Premises and whether transport vehicles will be stored inside Permitted Premises when not in use;
- b. An affidavit that all operations will be conducted in conformance with MMMA, the Medical Marihuana Facilities Licensing Act or other applicable State laws and such operations shall be in conformance with the Michigan Medical Marihuana Act, as amended, and the Medical Marihuana Facilities Licensing Act;
- c. A chemical and pesticide storage plan that states the names of chemicals and pesticides to be used by the Secure Transporter and where and how pesticides and chemicals will be stored in the vehicle and Facility, along with a plan for the disposal of unused pesticides and chemicals;
- d. All transportation and storage must be performed within an enclosed locked vehicle or facility.

- C. Upon receipt of a completed Marihuana Facility Permit Application meeting the requirements of this Ordinance, and upon confirmation that the number of existing Permits does not exceed the maximum number established by this Ordinance, the Township Clerk shall refer a copy of the Application to each of the following for their review and approval: the Township Attorney or their designee, the Fire Department or their designee, the Building Inspector, the Code Officer and the Township Treasurer or their designee. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner, the Township Clerk shall forward the Application to the Planning Commission for review and consideration for zoning compliance, and once met, the Planning Commission shall hold a public hearing. After the public hearing, the Planning Commission shall make a recommendation on the Application to the Township Board based on the Special Use Provisions in Section _____ of the Zoning Ordinance.
- D. Before hiring a prospective agent or employee of the Applicant, the holder of a Permit shall conduct a background check for the prospective employee. If the background check indicates a pending charge or conviction within the past ten (10) years for a controlled substance-related felony, the applicant shall not hire the prospective employee or agent without written permission from the Township Board.
- E. Officials and employees of the Township shall not be permitted to be employees or independent contractors of the Applicant, nor have any ownership interest in the Applicant.
- F. An Application for a Marihuana Facility shall not be granted unless all of the following have been met:
1. The Fire Department or designee and the Building Inspector have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;
 2. The Applicant, each owner, shareholder, stakeholder, and/or partner or limited partner of the applicant, and all employees of the Applicant, have passed a criminal background check conducted by the Township.

3. The Code Officer has confirmed that the proposed location complies with the Zoning Ordinance.

4. The Township Treasurer or their designee has confirmed that the Applicant and each owner, stakeholder, shareholder, and/or partner or limited partner of the applicant are not in default to the Township;

5. The Township Attorney or their designee has completed a detailed review of the Marihuana Facility Application for compliance with the applicable state laws and Township Ordinances;

E. If written approval is given by each individual or department identified in subsection 1-5, the Township Clerk shall submit the application to the Planning Commission for recommendation to the Township Board for the issuing of a Permit to the applicant. All Permits issued are contingent upon the State of Michigan issuing a license for the operation under State law.

G. Permittees shall report any other change in the information required by Section 4. to the Township within ten days of the change. Fees shall be set by Township Board Resolution for any stakeholder, shareholder, and/or partner or limited partner added after the original Application is filed.

H. To the extent permissible, all information submitted in conjunction with an application for a Permit or Permit renewal required by this Ordinance is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et.seq.

Section 5. Transfer of a Facility Permit

A. Permittees may transfer a Permit issued under this Ordinance to a different location upon receiving written approval from the Township, including Special Use Permit approval under Section ____ of the Township Zoning Ordinance. In order to receive approval to transfer a Permit location, the Permittee must make a written request to the Township Clerk, indicating the current Permit location and the proposed Permit location. Upon receiving the written request, the Clerk shall refer a copy of the written request to each of the following for their approval: Fire Department or their designee, the Building Inspector, the Police Department or their designee, the Code Officer, the Planning Commission and the Township Board. No Permit transfer shall be approved unless each such individual or department gives written approval

that the Permittee and the proposed Permit location meet the standards identified in this Ordinance.

B. In order to request approval to transfer a Permit to a different individual or entity, the Permittee must make a written request to the Township Clerk, indicating the current Permittee and the proposed Permittee. Upon receiving the written request, the Clerk shall consider the request as a new application for a Permit and the procedures set forth in Section 3, Section 4, and Section 5 shall be followed.

C. Permittee shall report any other change in the information required by this Ordinance to the Clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the Permit.

Section 6. Permit Renewal

A. A Marihuana Facility Permit shall be valid for one year from the date of issuance, unless revoked as provided by law.

B. A valid Marihuana Facility Permit may be renewed on an annual basis by submitting a renewal Application upon a form provided by the Township and payment of the annual license fee. Application to renew a Marihuana Facility Permit shall be filed at least sixty (60) days prior to the date of its expiration.

C. A renewal Application shall meet the same criteria as the original Application.

Section 7. Factors for the Township to Consider in Granting or Denying a Permit Application, Transfer, or Renewal

A. The Township Board shall assess all Applications referred to it by the Planning Commission.

B. In its Application deliberations, the Township Board shall assess each Application in each of the following categories:

1. The Applicant's experience in operating other similarly permitted or licensed business.
2. The Applicant's general business management experience.
3. The Applicant's general business reputation.

4. The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a Marihuana Facility.
5. The financial ability of the Applicant to purchase and maintain adequate liability and casualty insurance.
6. The sources and total amount of the Applicant's capitalization to operate and maintain the proposed Marihuana Facility.
7. Whether the Applicant or stakeholder has been indicted for, charged with, arrest for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed as appeal or otherwise.
8. Past convictions of the applicant or stakeholder involving any of the following, but not limited to:
 - a. Gambling;
 - b. Prostitutions;
 - c. Weapons;
 - d. Violence;
 - e. Tax evasion;
 - f. Fraudulent activity; and
 - g. Serious moral turpitude.
8. A felony or misdemeanor of such nature that it may impair the ability of the applicant or stakeholder to operate a licensed business in a safe and competent manner.
9. Whether the Applicant or owner of or any business entity in which the Applicant or owner has or had an ownership interest in has filed, or had filed against it, a proceeding for bankruptcy within the past seven (7) years.
10. Whether the Applicant or owner has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for one (1) or more years.
11. Whether the Applicant or owner has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.

- C. The Township Board shall assess each application within the aforementioned categories as described in Section 7(B)(1) through (11) and may issue a Permit to the Applicant if an Applicant has satisfactorily met all requirements.

Section 8. Denial or Revocation of a Permit

- A. A Permit issued under this Ordinance may be revoked after an administrative hearing at which the Township Board, by majority vote of members present, determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the holder of a Permit at least five days prior to the date of the hearing, by first class mail to the address given on the Permit application; a Permittee whose Permit is subject of such Hearing may present evidence and/or call witnesses at the Hearing;
- B. A Permit applied for or issued under this Ordinance may be denied or revoked on any of the following basis:
1. Any violation of this Ordinance;
 2. Any conviction of or release from incarceration for a felony under the laws of this State, any other state, or the United States within the past five (5) years by the Applicant or any stakeholder of the Applicant as measured from the date of the Application or the date of becoming a stakeholder, whichever occurs later, or while holding a Permit under this Ordinance; or any conviction of a substance-related felony by the Applicant or any stakeholder of the Applicant ever or while Permitted under this Ordinance;
 3. Commission of fraud or 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 Permit;
 4. Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Ordinance and the rules and regulations governing the Medical Marihuana Program in the State of Michigan;
 5. The Marihuana Facility is determined by the Galien Township Board to have become a public nuisance;
 6. The Michigan Medical Marihuana Licensing Board has denied, revoked or suspended the applicant's state License.

Section 9. Penalties and Other Remedies

A. The Township may require an Applicant or holder of a Permit for a Marihuana Facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for application denial, Permit revocation, or discipline;

B. Any person in violation of any provision of this Ordinance or any provision of a Permit issued under this Ordinance is responsible for a misdemeanor, punishable by a fine of up to \$1,000.00 plus cost of prosecution, 90 days imprisonment, or both, for each violation. Each day a violation of this Ordinance continues to exist constitutes a separate violation. This section is not intended to prevent enforcement of any provision of the State law by the Berrien County Sheriff's Department or the Michigan State Police. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law;

C. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.

D. All fines imposed under this Ordinance shall be paid within thirty (30) days after the effective date of the order imposing the fine or as otherwise specified in the order;

E. The Township may temporarily suspend a Marihuana Facility Permit without a hearing if the Township Board finds that public safety or welfare requires emergency action. The Township Board shall cause the temporary suspension by issuing a Suspension Notice by majority vote of members present and voting thereon in connection with institution of proceedings for a Hearing;

F. If the Township Board temporarily suspends a Permit without a Hearing, the holder of permit is entitled to a hearing within thirty (30) days after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice.

G. If the Township Board does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended Permit shall be automatically reinstated and the suspension vacated.

Section 10. Applicability

The provisions of this Ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Marihuana Facility were established without authorization before the effective date of this ordinance.

Section 11. Enforcement

This Ordinance shall be enforced and administered by the Township Code Officer, or such other Township official as may be designated from time to time by resolution of the Township Board.

Section 12. 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, phrases or words of this Ordinance. In the event that any other ordinance or ordinance section relating to this zoning of Marihuana Facilities is found to be invalid, the Township Board may elect to rescind this enabling Ordinance, or the Board may put a moratorium on accepting Applications under this Ordinance until the zoning issue is resolved.

Section 13. Conflicts and Interpretation. In the event that there is a direct conflict between this Ordinance and any other Ordinance or statute, the most restrictive provision or interpretation shall be the one that prevails.

Section 14. Effective Date

This Ordinance shall become effective at midnight on _____.

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Marihuana Facility were established without authorization before the effective date of this Ordinance.

YAYS: _____

NAYS: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

Date: _____

TOWNSHIP CLERK

Jennifer Richter