

**CHARTER TOWNSHIP OF OXFORD
COUNTY OF OAKLAND
STATE OF MICHIGAN**

ORDINANCE NO. 132.001

An Ordinance to:

- amend the Oxford Charter Township Code to add a new Article III, Medical Marihuana Facilities, to Chapter 14, Businesses, establishing the requirements, conditions, and limitations for licensing marihuana facilities; and
- amend Chapter 30, Offenses and Miscellaneous Provisions, Article I, Sec. 30-9, of the Oxford Charter Township Code to clarify prohibited marihuana establishments.

THE CHARTER TOWNSHIP OF OXFORD ORDAINS:

SECTION 1 – ORDINANCE AMENDMENT

Secs. 14-16—14.29. - Reserved.

1. The Oxford Charter Township Code (“Code”) is amended by adding a new Article III, Medical Marihuana Facilities, to Chapter 14, Businesses, to read as follows:

ARTICLE III – REGULATIONS FOR MEDICAL MARIHUANA FACILITIES

DIVISION 1. – GENERALLY

Sec. 14-30. - Purpose.

- (a) The purpose of this article is to establish standards and procedures consistent with the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27101:
- (1) To provide qualifying patients access to medical marihuana;
 - (2) To ensure the safety of qualifying patients, primary caregivers, and the general public;
 - (3) To ensure that a portion of the township’s costs in accommodating medical marihuana facilities are supplemented;
 - (4) To minimize adverse effects from the cultivation, dispensing and storage of medical marihuana;
 - (5) To maximize the benefits of this new type of business particularly in regard to the development or redevelopment of underutilized and distressed properties within the township; and

(6) To comply with the Michigan Medical Marihuana Act, being MCL 333.26421 et seq. , all in order to protect and enhance the public health, safety, and welfare.

(b) Nothing contained within this article, or within any license issued by the township, shall be construed to relieve a person of the duties and obligations imposed under state law. Notwithstanding the foregoing, it is not the intent of this article to diminish, abrogate or restrict protections for the medical use of marihuana provided in the Michigan Medical Marihuana Act, being MCL 333.26421 et seq.

Sec. 14-31. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings provided in this section:

Cultivation or *cultivate* means:

- (a) All phases of growth of marihuana from seed to harvest; or
- (b) Preparing, packaging, or repackaging, labeling, or relabeling of any form of marihuana.

Marihuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Marihuana Grower or grower means a state operating license holder that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

Medical Marihuana facility means a location at which a licensee is required to be licensed under the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27101 et seq., and this article, including to the extent authorized by this article, a grower, processor, provisioning center, safety compliance facility, and/or a secure transporter.

Marihuana Provisioning center or provisioning center means a state operating license holder that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to qualifying patients, directly or through the registered primary caregivers of patients. Provisioning center includes any commercial property where marihuana is sold at retail to qualifying patients or primary caregivers. A non-commercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the state's marihuana registration process in accordance with the Michigan Medical Marihuana Act, being MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

Marihuana Secure transporter or secure transporter means a state operating license holder that is a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

Primary caregiver means the term as defined by the Michigan Medical Marihuana Act, being MCL 333.26421 et seq.

Processor means a state operating license holder that is a commercial entity located in this state 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 or another processor.

Qualifying patient means the term as defined by the Michigan Medical Marihuana Act, being MCL 333.26421 et seq.

Safety compliance facility means a state operating license holder that is a commercial entity that receives marihuana from a medical marihuana facility or primary caregiver, tests it for contaminants and for tetrahydro-cannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

State operating license means a license that is issued under the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27101 et seq., that allows the licensee to operate as a medical marihuana facility.

Sec. 14-32. - Penalty.

In addition to the penalties provided by this code, the courts shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of this article, including, but not limited to, abatement of the violating condition or the granting of injunctive relief.

Sec. 14-33. - Opt-in provision.

Pursuant to Section 205(1) of the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27205(1), the township shall authorize licenses in accordance with the provisions of this article for only the following types of medical marihuana facilities:

- (1) Growers:
 - a. Class A – up to 500 marihuana plants
 - b. Class B – up to 1,000 marihuana plants;
- (2) Provisioning centers; and
- (3) Secure transporters.

Sec. 14-34. - Opt-out provision.

- (a) Pursuant to Section 205(1) of the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27205(1), the township hereby prohibits all processors, safety compliance facilities, and Class C growers, and it shall be a violation of this Code to operate such a medical marihuana facility.
- (b) All marihuana establishments as defined and provided for by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, being MCL 333.27951, *et seq.*, as amended, are prohibited.

Sec. 14-35. - Requirements.

A medical marihuana facility licensed under this article shall be subject to the following conditions:

- (1) Compliance with the requirements of this article, this Code (including the township Zoning Ordinance), and applicable state law;
- (2) Compliance with the provisions of the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27101, and the Michigan Medical Marihuana Act, being MCL 333.26421 *et seq.*;
- (3) Medical marihuana facilities must obtain all necessary state and local licenses and permits before commencing operations and shall maintain valid necessary licenses and permits during operation;
- (4) No medical marihuana facility shall permit the sale or dispensing of alcoholic liquor or tobacco for consumption on the premises or offsite of the premises;
- (5) No dried medical marihuana shall be stored in structures without at least four connecting walls and a connecting roof made of durable entry resistant materials, or stored in an unlocked vault or safe, or other unsecured storage structure; nor shall any medical marijuana be stored in a safe or vault that is not bolted to the floor or structure of the facility. This does not include items on display for retail sales;
- (6) Consumption or use of marihuana is prohibited on the premises of a medical marihuana facility;
- (7) Public and common areas of the interior of a medical marihuana facility must be separated from restricted and non-public areas by a permanent opaque barrier that prohibits access by individuals who are not approved to have access;

- (8) Marihuana and marihuana-infused products may not be stored, displayed, or transferred in an area accessible to the general public, and may only be displayed for sale and transferred in sales areas approved as part of the licensing process set forth in this article;
- (9) A secure transporter shall have its primary place of business in the township and its medical marihuana facility must comply with the requirements of this code. A secure transporter shall not sell or purchase marihuana products. A secure transporter shall store vehicles at its primary place of business. If a secure transporter stores a vehicle that does not contain marihuana or marihuana product at a location that is not its primary place of business, it shall indicate that in its application and any renewal as applicable;
- (10) No provisioning center may provide medical marijuana to any persons other than qualifying patients and primary caregivers whose status to possess medical marihuana pursuant to state law has been verified. A provisioning center may provide medical marijuana to a secure transporter for the purpose of transporting the material for testing. Operating hours for provisioning centers shall not exceed the hours between 9:00 a.m. and 9:00 p.m. daily. A provisioning center shall have a separate room that is dedicated as the point-of-sale area for transfer or sale. A provisioning center licensee shall keep marihuana products behind a counter or other barrier to ensure that a customer does not have direct access;
- (11) Premises liability and casualty insurance is required in an amount not less than (\$100,000.00) covering the medical marihuana facility and naming the Township as an additional insured party available for payment of any damages arising out of an act or omission of the licensee or its stakeholders, agents, employees, or subcontractors. Proof of said insurance shall be provided not later than sixty (60) calendar days after a state operating license is issued or renewed.

Sec. 14-36. - Oakland County Sheriff's Office review.

For purposes of ensuring compliance with this article, owners and/or operators of licensed medical marihuana facilities shall permit members of the Oakland County Sheriff's Office, or any employee or agent of the township that is authorized by this Code, to inspect, during regular business hours, any portion of a medical marihuana facility, subject to any applicable constitutional restrictions on searches and seizures. Where entry is refused or not obtained, the township is authorized to pursue recourse as provided by law.

Sec. 14-37. ---14.47. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-48. - Available licenses.

Subject to the conditions of this article, and including all zoning restrictions, the township may issue:

- (a) Up to three (3) growers licenses for each class of growers license (Class A and Class B);
- (b) Three (3) provisioning center licenses (one per Marihuana Provisioning Overlay); and
- (c) Up to three (3) secure transporter licenses.

Applications for such licenses shall be reviewed as provided for in this article.

Sec. 14-49. - Required license and compliance.

- (a) No person shall operate a medical marihuana facility in the township without first obtaining a license from the township in accordance with the provisions of this article. A separate license is required for each medical marihuana facility.
- (b) No person shall operate a medical marihuana facility in the township unless such operation fully complies with the requirements of this code.
- (c) A license issued by the township pursuant to this article is a revocable privilege granted by the township and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license.
- (d) The right to operate a medical marihuana facility pursuant to a license issued under this article is contingent upon a licensee having received an appropriate State of Michigan license issued pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.2707 et seq., and special land use approval as required by the township Zoning Ordinance.

Sec. 14-50. - Application.

- (a) Any person seeking to operate a medical marihuana facility shall file an application with the township clerk upon a form provided by the township. The application shall include, or include as an attachment, the following information:
 - (1) The name, age, address, principal telephone number and email address of the applicant;

- (2) The name, age, address, principal telephone number and email address of all business partners of the applicant who will have any managerial interest or financial interest of 2.5% or greater;
- (3) A signed release authorizing the Oakland County Sheriff's Office to perform criminal background checks on all individuals listed within the application;
- (4) If the applicant is a corporation, the names and addresses of all directors, officers, or shareholders as well as the name and address of the registered agent. If such corporation is a public corporation then the names and addresses of only shareholders holding a direct or indirect interest of greater than 5% need be provided;
- (5) If the applicant is a partnership, the names and addresses of all general partners, limited partners, or officers as well as the name and address of the registered agent;
- (6) If the applicant is a limited liability company, the names and addresses of all directors, managers, members, or officers as well as the name and address of the registered agent;
- (7) If the applicant is any other legal entity, the names and addresses of all directors, members, officers, partners, or shareholders as well as the name and address of the registered agent;
- (8) The address of the property/building proposed to be used as a medical marijuana facility;
- (9) The type of medical marijuana facility (grower, provisioning center, or secure transporter) proposed to be operated and a narrative describing the applicant's experience with such an operation;
- (10) A statement as to whether the applicant has had any similar permits, licenses or approvals denied, suspended, or revoked by any governmental authority and, if so, the basis for the denial, suspension, or revocation;
- (11) An applicant for a grower's license shall not be a registered primary caregiver and shall not employ an individual who is simultaneously a registered primary caregiver;
- (12) A description of the security plan for the medical marijuana facility, including, security precautions, recording/monitoring devices, barriers, and lighting;
- (13) A description of the storage facilities and related equipment for all medical marijuana, regardless of its form;

- (14) A description of the process for tracking quantities and inventory controls for medical marihuana, regardless of its form, including cultivation and disposal;
- (15) A description of the products and services to be provided by the medical marihuana facility;
- (16) A description of the construction, layout, location, and operation of the medical marihuana facility;
- (17) Proof of special land use approval from the township planning commission or proof of application for the same having been filed with the township;
- (18) A description of how the proposed medical marihuana facility will benefit the township;
- (19) A description of the applicant's general business management experience including experience in operating the medical marihuana facility for which the license is sought;
- (20) A description of the applicant's financial history including the source and total amount of the applicant's capitalization to construct and operate the proposed medical marihuana facility;
- (21) Proof of financial responsibility for liability for bodily injury to lawful users resulting from the manufacture, distribution, transportation, or sale of adulterated marihuana or adulterated marihuana-infused products and proof of commercial general liability insurance covering the premises both of which shall be on a form and in the amount prescribed by the State of Michigan Marihuana Regulatory Agency. Secure transporters shall also provide proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle, as applicable, for any vehicles used to transport marihuana product as required by the Michigan Medical Marihuana Facilities Licensing Act, being MCL 333.27101 et seq;
- (22) A list of all ordinance violations, alleged and actual, associated with the applicant and its operators within the last ten (10) years including the jurisdiction from which the violation arose, the nature of the violation, whether court proceedings arose out of the violation, and a disposition of those proceedings and/or other resolution to the violation;
- (23) A list of all litigation associated with the applicant and its operators within the last ten (10) years including the jurisdiction in which the litigation arose, the nature of the litigation, and a disposition of the litigation;

- (24) A copy of the marihuana business location plan required by the State of Michigan Administrative Rules;
 - (25) A copy of the standard operating procedures required by the State of Michigan Administrative Rules;
 - (26) Any other information the applicant believes is needed to fully and completely describe the services the applicant intends to provide and/or the benefits the applicant will provide to the township and the greater community;
 - (27) The application shall be signed, sworn to, and dated by the applicant.
- (b) Except as may be required by state or federal law, the township will keep all application materials confidential.
- (c) Applications for licensure under this article shall be accepted by the township fourteen (14) calendar days following the effective date of Zoning Ordinance Amendment No. 67A.028.

Sec. 14-51. - Application fee.

A non-refundable application fee of Five Thousand and No/100 (\$5,000.00) Dollars shall be paid upon filing the application. The fee shall be intended to defray costs incurred by the township to process the application, including the cost to process any state applications.

Sec. 14-52. - Review.

The township clerk or his/her designee shall review each application to ensure that it is complete, that the information required by this article has been submitted, and that the application fee has been paid. The township clerk may reject any application that contains insufficient information and may deny an application for failure to pay the application fee. If the township clerk determines that an application contains insufficient information or the application fee has not been paid, the Township clerk shall provide the applicant with written notice, and the applicant shall have fourteen (14) calendar days to supplement the information in the application and/or provide the application fee. The applicant's application shall be treated as filed on the date of original submittal if the supplemental information and/or fee is provided within the fourteen day period. If the supplemental information is incomplete or not provided within the fourteen day period, and/or the fee is not paid with the fourteen day period, then the application shall be deemed denied. An applicant denied under this section is not barred from reapplying by submitting a new application and application fee.

Sec. 14-53. -Inspections.

- (a) All medical marihuana facilities shall meet applicable requirements associated with the inspections listed in this section prior to occupancy or commencing operations.

However, it is the intent not to hold up issuance of a township license under this article when it would require a substantial capital investment by an applicant prior to making an application for a license and without knowing whether a license will be issued. Therefore, applications will be accepted and reviewed prior to the inspections listed being satisfied when the proposed medical marihuana facility is to be a new building or a building which will have undergone substantial renovation and rehabilitation prior to occupancy. When there is a question of whether the proposed medical marihuana facility will be associated with a building having undergone substantial renovation or rehabilitation, such question shall be deferred to the township supervisor whose decision may be appealed to the township board. If a proposed medical marihuana facility will be a new building or substantially renovated or rehabilitated building, then if a township license is issued to the applicant, it shall be contingent on the medical marihuana facility satisfying the requirements of all the following inspections prior to occupancy or operation. If a proposed medical marihuana facility is not a new building or substantially renovated or rehabilitated building, then it shall satisfy all the following inspection requirements before consideration is given by the township board to the issuance of a township license under this article:

- (1) *Zoning.* The medical marihuana facility shall be able to meet applicable requirements of the township Zoning Ordinance;
- (2) *Building and Property Maintenance Codes.* The medical marihuana facility shall meet applicable requirements of the Stille-DeRossett-Hale Single State Construction Code Act, being MCL 125.1501 *et seq.*, as adopted in Chapter 10 of this Code;
- (3) *Fire protection and safety.* The medical marihuana facility shall meet applicable requirements of Chapter 26 of this Code, Fire Prevention and Protection;
- (4) *Plumbing.* The medical marihuana facility shall meet applicable requirements of the Stille-DeRossett-Hale Single State Construction Code Act, being MCL 125.1501 *et seq.*, and the Michigan Plumbing Code, as adopted in Chapter 10 of this Code;
- (5) *Ventilation.* Proper ventilation, either natural or mechanical, shall be provided so that each person within a medical marihuana facility will be supplied with 1,200 cubic feet of air per hour, or as required by applicable state code, whichever is greater;
- (6) *Lighting.* The medical marihuana facility shall have adequate lighting in every part of the premises in compliance with applicable requirements of the Michigan Electrical Code, as adopted in Chapter 10 of this Code.

Sec. 14-54. -Investigations.

- (a) Upon application and before any license under this article is considered by the township board for a medical marihuana facility, the application shall be referred to the Oakland County Sheriff's Office and township treasurer for respective reports on compliance with the following:
 - (1) The Oakland County Sheriff's Office shall complete criminal background checks on all individuals listed within the application; and
 - (2) The township treasurer shall cause an investigation to be completed to determine whether any property taxes, special assessments, fines, fees, or other financial obligations to the township are unpaid, outstanding and/or delinquent.

- (b) A license shall not be considered by the township board or issued or renewed until satisfactory inspections and reviews are completed by the departments delineated in subsection (a) of this section. A license shall not be considered by the township board or issued or renewed for any medical marihuana facility until after both of the following have occurred:
 - (1) The Oakland County Sheriff's Office provides written confirmation to the township clerk that all individuals listed within the application do not have any felony convictions related to assaultive crimes, illegal narcotics, theft, fraud, embezzlement, or dishonesty and which identifies any inconsistencies between the application and the background check; and
 - (2) The township treasurer provides written confirmation to the township clerk that the applicant is not in arrears in regard to any taxes, special assessments, fines, fees, or other financial obligations to the township.

Sec. 14-55. - Application evaluation.

Upon receipt of a complete application and the written results of all inspections and investigations performed pursuant to this article, the township clerk shall forward the same to the township board as well as evidence of special land use approval by the township planning commission or evidence that a special land use application has been filed with the township. The township board of trustees at a meeting of the township board shall assess all applications referred to it by the township clerk. The township board shall approve issuance of a license in its sole discretion following consideration of the following:

- (a) The application information including the inspection and investigation reports prepared as part of the application process;

- (b) The benefits to the township as a result of having the proposed medical marihuana facility in the community;

- (c) The positive and negative secondary effects of the proposed medical marihuana facility upon neighboring property owners. The township may require professional studies to be provided and paid for by the applicant should the proposed medical marihuana facility require further examination on the impact of the public's health, safety, or welfare. Such professional evaluations may include, but are not limited to, traffic, engineering, survey, environmental, and safety;
- (d) Proposed construction including whether the proposed medical marihuana facility will be a new build, the quality of construction, whether it will revitalize an unused or underutilized and economically distressed property, and the amount of capital investment into the proposed medical marihuana facility;
- (e) If the proposed location of the medical marihuana facility is vacant, the number of years during which the property has been vacated;
- (f) Whether the applicant is proposing to replace an existing active business;
- (g) The applicant's business history in the township;
- (h) The applicant's experience in operating the medical marihuana facility for which the license is sought;
- (i) The applicant's general business management experience;
- (j) The applicant's business reputation;
- (k) The conditions, if any, of the special land use approval;
- (l) The business probity, financial ability and experience, and responsibility or means to operate or maintain a marihuana facility of the applicant and of any other person that meets either of the following:
 - (1) Controls, directly or indirectly, the applicant;
 - (2) Is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant;
- (m) The financial ability of the applicant to purchase and maintain adequate insurance;
- (n) The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility;
- (o) Whether the applicant has been indicted for, charged with, arrested 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 on appeal or otherwise. This subdivision does not apply to a criminal offense for the possession, use, manufacture, processing, or distribution of marihuana, or possession with the intent to manufacture, process, or distribute marihuana, unless the felony involved the distribution of marihuana to a minor;

- (p) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past 7 years;
- (q) Whether the applicant 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 1 or more years;
- (r) Whether the applicant has a history of noncompliance with the ordinances of the township or any other jurisdiction;
- (s) Whether at the time of application the applicant is a defendant in litigation involving its business practices; and
- (t) Any other factors relevant to the public's health, safety, or welfare.

If the township board determines that it is appropriate to issue a license to the applicant, then it shall make a motion regarding the same and direct the township clerk to issue the license.

Sec. 14-56. — Issuance and renewal.

- (a) If the application and proposed medical marihuana facility meets all the requirements of this article and is approved by the township board, then the township clerk shall issue a license in writing. A license that is issued under this article shall be posted at all times inside the licensed medical marihuana facility in a conspicuous location near the entrance.
- (b) The term of a license shall be for one (1) year.
- (c) Any application to renew a license shall be made using the procedure for an original license as specified herein. A license may be renewed no more than ninety (90) calendar days before expiration. Licensee shall annually pay a non-refundable renewal fee of Five Thousand and No/100 (\$5,000.00) Dollars to defray the costs incurred by the township to process the renewal and monitor the licensed facility.
- (d) A license issued under this article is nontransferable.

Sec. 14-57. - Change in information.

A licensee issued a license pursuant to this article shall report any change in the information required by this article to the township clerk within ten (10) business days of the change. Failure to do so may result in the suspension or revocation of the license. The township clerk may find the change to be a material change and forward notice of the change to the township board who shall review the impact of the change as if the change resulted in a new license application but may waive the requirements for a new application where those requirements do not relate to the change. Any change not approved or waived by the township clerk or township board following sixty (60) calendar days' notice of the change shall be grounds for suspension and/or revocation pursuant to this article except that the township clerk may suspend a license in less than sixty (60) calendar days if the change is a cause for suspension as otherwise provided for in this article.

Sec. 14-58. — Suspension and revocation.

- (a) The following shall constitute grounds for the township clerk to suspend or revoke a license issued pursuant to this article:
- (1) Any fraud, misrepresentation or false statement in an application, any materials filed with an application or related to a license, any materials provided in conjunction with an application or license, or any statement related to an application or license made to any township trustees, officials, or agents; or
 - (2) Non-compliance with, or a violation of, this article, this Code (including the township Zoning Ordinance), or any violation of state law relating to the operation of a medical marihuana facility; or
 - (3) Any violation of the special land use permit issued by the township; or
 - (4) If the township treasurer provides written notice to the licensee that it is in arrears in regard to any taxes, special assessments, fines, fees, or other financial obligations to the township, and such payment is not made by the licensee within fourteen (14) calendar days after receipt of written notice; or
 - (5) The medical marihuana facility is determined to be a nuisance by the township; or
 - (6) The state operating license has been denied, revoked, or suspended; or
 - (7) Failure of licensee to timely renew the license; or
 - (8) There is any other articulable threat to the public health, safety, or welfare, or the safety or health of patrons or employees.

- (b) Written notice of possible suspension or revocation, stating the cause or causes of suspension or revocation, shall be mailed to the licensee's address as shown in the application for a license fourteen (14) calendar days prior to such suspension or revocation being issued unless the cause for the suspension or revocation is an immediate threat to public health, safety, or welfare, as determined by the township clerk, in which case such suspension or revocation shall be effective immediately upon issuance by the township clerk.
- (c) Any person aggrieved by the suspension or revocation of a license under this article may appeal to the township board by filing with the office of the township clerk a written appeal within twenty-one (21) calendar days of the date of issuance of suspension or revocation. The township clerk shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in writing. Upon such appeal, the township board shall conduct a de novo review of the action of the township clerk. Licensee may present any information, data, or other evidence to the township board either prior to or at the time of the hearing. Hearings shall be open to the public and members of the public may also present any evidence or information pertinent to the matter appealed. The township board shall then determine whether to uphold, reverse, or modify the action of the township clerk. After said hearing, the decision and order of the township board on any such appeal shall be final and conclusive.

2. Section 30-9 of Chapter 30 of the Oxford Charter Township Code is hereby amended to read as follows:

Sec. 30-9. - Marihuana establishments prohibited.

- (a) *Title.* This section shall be known as and may be cited as the "Charter Township of Oxford Prohibition of Marihuana Establishments Ordinance associated with the Michigan Regulation and Taxation Marihuana Act."
- (b) *Definitions.* Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.
- (c) *No marihuana establishments.* The township hereby prohibits all marihuana establishments that would be authorized or permitted by Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended, known as the Michigan Regulation and Taxation of Marihuana Act.
- (d) *Violations and penalties.*
 - (1) Any person who disobeys, or who neglects to or refuses to comply with, any provision of this section or who causes, allows, or consents to any of the same

shall be deemed to be responsible for the violation of this section. A violation of this section is deemed to be a nuisance per se.

- (2) A violation of this section is a municipal civil infraction, for which the fines shall not be less than \$100.00 nor more than \$500.00, in the discretion of the court. 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, including reasonable attorney's fees, which the township incurs in connection with the municipal civil infraction.
- (3) Each day during which any violation continues shall be deemed a separate offense.
- (4) The township may seek injunctive relief against any person alleged to be in violation of this section, and such other relief as may be provided by law.
- (5) This section shall be administered and enforced by the ordinance enforcement officer of the township or by the township supervisor and/or his or her designee, if any.

(Ord. No. 132, §§ 1—4, 2-13-2019)

SECTION 2 – SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared invalid 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.

SECTION 3 – REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4 – SAVINGS CLAUSE

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 5 – EFFECTIVE DATE

This ordinance shall become effective following publication in the manner prescribed by law. This ordinance shall be published in the manner provided by law.


MOVED BY: Trustee Payne SECONDED BY: Trustee Nold

AYES: Wright, Curtis, Charles, Nold, Colvin, Payne

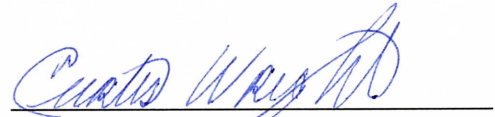
NAYS: Ferrari

ABSENT: None

Adopted at a meeting of the Charter Township of Oxford Board of Trustees held on the 11th day of May, 2022.



Jack Curtis, Supervisor
Charter Township of Oxford



Curtis Wright, Clerk
Charter Township of Oxford

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

I, Curtis Wright, duly elected Clerk of the Charter Township of Oxford, do hereby certify that the foregoing is a complete and true copy of Ordinance No. 132.001, adopted by the Charter Township of Oxford at a meeting of the Board of Trustees held on the 11th day of May, 2022.



Curtis Wright, Clerk

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