

CHARTER TOWNSHIP OF WATERFORD  
5200 CIVIC CENTER DRIVE  
WATERFORD, MICHIGAN 48329

October 13, 2020  
6:00 PM  
-AGENDA-

**NOTICE OF REGULAR TOWNSHIP BOARD MEETING TO BE HELD IN PERSON**

**Please take notice that the regular meeting of the Waterford Township Board will be held in person in the Township Hall Auditorium on October 13, 2020, at 6:00 p.m.**

The live meeting will be held subject to and in compliance with the October 5, 2020, Emergency Order Under MCL 333.2253 issued by the Director of the Michigan Department of Health and Human Services in response to the COVID-19 epidemic, meaning that subject to exceptions in that Order, all individuals attending the meeting shall be required to wear a face covering and that the number of persons that may be in the Auditorium will be limited as provided in the Order. If the number of persons attending the meeting exceeds the number allowed by the Order, a separate room with video and audio connectivity to the Auditorium will be available to accommodate the overflow attendance.

If members of the public wish to provide comment during the public comment portion of the meeting and cannot attend in person, they may call 248-674-6200. Public comment is limited to 3 minutes per speaker.

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72-hour advance notice by contacting Kim Markee, Township Clerk, by email, phone, or mail at the below.

If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Township Board members through Kim Markee, Township Clerk, by email, phone, or mail at the below.

Kim Markee, Township Clerk  
Charter Township of Waterford  
5200 Civic Center Drive  
Waterford, Michigan 48329  
Phone (248) 674-6266  
Email: [publiccomments@waterfordmi.gov](mailto:publiccomments@waterfordmi.gov)

1. Approve Agenda

2. Announcements

2.1. Absentee Ballot Tips

- If you have not received your absentee ballot PLEASE contact the Clerk's Office.
- You may return your ballot as soon as possible, once you vote your ballot. You do not need to wait until Election Day to return it.
- Make sure you sign your ballot envelope.
- Return your absentee ballot using the absentee voter's drop box in the parking lot near the Police Department, or return directly to the Waterford Township Clerk's office.

- If you return your ballot via the USPS, please mail your ballot as early as possible using the prepaid postage envelope provided. The USPS recommends mailing your ballot by October 27, 2020.
- Track your ballot at [www.michigan.gov/vote](http://www.michigan.gov/vote)
- For additional questions, contact the Clerk's Office 248-674-6266 or [elections@waterfordmi.gov](mailto:elections@waterfordmi.gov)

## 2.II. Waterford Youth Assistance Shoe Drive

Waterford Youth Assistance will begin conducting a shoe drive starting on Thursday, September 10th to raise funds for WYA programs. Waterford Youth Assistance will earn funds based on the total weight of the shoes collected as Funds2Orgs will purchase all of the donated footwear. Dollars earned will help support family education programs, mentoring programs, youth scholarship and recognition programs, low income families with financial needs, and continue youth casework services. Anyone can help by donating gently worn used, or new shoes to any of the following locations: Recovered Chiropractic: 5140 Highland Road, Waterford, Waterford Township Town Hall: 5200 Civic Center Drive, Waterford, and Crave Nutrition: 2891 Pontiac Lake Road, Waterford.

The WYA Shoe Collection Drive will run from September 10 through November 9.

Documents:

[SHOEFLYER.PDF](#)

[SHOE FUNDRAISER PRESS RELEASE 9.3.20.PDF](#)

## 2.III. Census 2020

It's not too late to respond to the 2020 Census. The census provides critical data that lawmakers, business owners, teachers, and many others use to provide services, products, planning, and support for you and our community. Every year, \$675 billion in federal funding goes to hospitals, fire departments, schools, roads, and other resources based on census data. It is estimated that each Census response impacts local funding by approximately \$18,000 over the course of 10 years. Take 10 minutes today to complete the Census online at [www.2020census.gov](http://www.2020census.gov) or by phone 800-923-8282. Your action today helps shape Waterford's future for the next 10 years.

Visit Waterford Township's Census information page at [www.waterfordmi.gov/census](http://www.waterfordmi.gov/census) for details, resources, videos and more! And remember our Waterford 2020 Census Slogan – I count, You count, We count, Everyone counts. Get counted, It counts!

## 3. Consent Agenda

*Board Members may remove items from the Consent Agenda for discussion purposes or for the purpose of voting in opposition. Public comment for items removed from the consent agenda may be received in the same manner immediately following the Consent Agenda.*

### 3.I. September 28, 2020, Meeting Minutes

Documents:

[M09-28-20.PDF](#)

### 3.II. October 13, 2020, Bill Payment

Documents:

[BILL PAYMENT OCT 13.PDF](#)

3.III. 51st District Court August 2020 Filing Trends

Documents:

[D51 COURT REPORT AUGUST 2020.PDF](#)

3.IV. 51st District Court Reports - Quarters 1, 2 And 3 Caseload And Financial Trends 2020-2016

Documents:

[Q1 CASELOAD FINANCIAL TRENDS 2020-2016.PDF](#)

[Q2 CASELOAD FINANCIAL TRENDS 2020-2016.PDF](#)

[Q3 CASELOAD FINANCIAL TRENDS 2020-2016.PDF](#)

3.V. 51st District Court Fiscal Year 2021 MDCGP MVTCGP Award Notification

Documents:

[FY 2021 MDCGP MVTCP AWARD NOTIFICATION.PDF](#)

3.VI. Received The Library's August 2020 Report

Documents:

[LIBRARY REPORT - AUGUST 2020.PDF](#)

4. Board Liaison Reports (Verbal)

5. Introduction

5.I. Introduction Of Medical Marihuana Text Amendments To Zoning Ordinance No. 2020-Z-008

Documents:

[2020-Z-008 MED MAR ZONING AMENDMENT.PDF](#)

5.I.i. Corrected Version 2 Of Medical Marihuana Text Amendments To Zoning Ordinance

Documents:

[CORRECTED VERSION 2 OF MED MAR TEXT AMENDS.PDF](#)

5.II. Introduction Of Medical Marihuana Facility Licensing Ordinance No. 2020-005

Documents:

[LTR TO BD RE MED MAR LICENSE ORD.PDF](#)

[2020-005 MED MAR LICENSE ORD V2.PDF](#)

6. New Business

6.I. Residential Water Meter Purchase

Documents:

6.II. Grant Finalization

Documents:

[GRANT.PDF](#)

6.III. Approval Of M&A Agreement

Documents:

[MA AGREEMENT.PDF](#)

6.IV. Appointment Of Julie Wallis To The Staff Analyst - Accounting Coordinator Position

Documents:

[STAFF ANALYST - ACCOUNTING COORDINATOR\\_REDACTED.PDF](#)

6.V. Citizen To Address The Board - K. Schultz Regarding Medical Marijuana

6.VI. Public Comments Limited To Three (3) Minutes Per Speaker

In conformance with the Americans with Disabilities Act, large-print agendas and minutes are available upon request. Barrier-free parking and access are also available at town hall. For the hearing impaired, there are four available headsets on a first come basis. Minutes are available upon request at the clerk's department, and on the Township's web site.



# Donate Your Gently Worn, Used and New Shoes To **WATERFORD YOUTH ASSISTANCE**



Help us raise funds for our organization by donating your gently worn, used and new shoes!

And don't forget to ask friends, family, neighbors and co-workers to donate too!

Collected shoes are used to support micro-enterprise vendors. Micro-enterprises are small businesses in developing nations. They are typically operated by one person or family and friends, depending on size.

## WHERE & WHEN

**Sept. 10<sup>th</sup> through  
Nov. 9<sup>th</sup>**

**Recovered Chiropractic**  
5140 Highland Road  
Waterford.

**Crave Nutrition**  
2891 Pontiac Lake Road  
Waterford.

**Waterford Township  
Town Hall**  
5200 Civic Center Drive  
Waterford.

*WYA's purpose is to  
strengthen youth and families  
and to reduce the incidence of  
delinquency, abuse, and  
neglect through community  
involvement.*

Contact

**Stacy Williams**

**Email:  
waterfordya@msn.com**

**Phone: 248.618.7383**

Stacy Williams  
Waterford Youth Assistance  
248.618.7383  
248.618.7392  
waterfordya@msn.com



# Press Release

FOR IMMEDIATE RELEASE:

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## Waterford Youth Assistance Launches Shoe Collection Drive to Raise Money for Programs to Help Support and Strengthen Waterford Families.

*The mission of Waterford Youth Assistance is to provide programming that will strengthen youth and families, and to reduce the incidence of delinquency, abuse, and neglect through community involvement.*

**Waterford, Michigan, September 3rd:** Waterford Youth Assistance will begin conducting a shoe drive starting on Thursday, September 10th to raise funds for WYA programs. Waterford Youth Assistance will earn funds based on the total weight of the shoes collected as Funds2Orgs will purchase all of the donated footwear. Dollars earned will help support family education programs, mentoring programs, youth scholarship and recognition programs, low income families with financial needs, and continue youth casework services. Anyone can help by donating gently worn used, or new shoes to any of the following locations:

**Recovered Chiropractic:** 5140 Highland Road, Waterford.

**Waterford Township Town Hall:** 5200 Civic Center Drive, Waterford.

**Crave Nutrition:** 2891 Pontiac Lake Road, Waterford.

*Shoe donations will also support micro-enterprises in developing nations. All donated shoes will then be redistributed throughout the Funds2Orgs network of microenterprise partners in developing nations. Funds2Orgs helps impoverished people start, maintain and grow businesses in countries such as Haiti, Honduras and other nations in Central America and Africa. Proceeds from the shoe sales are used to feed, clothe and house their families. One budding entrepreneur in Haiti even earned enough to send to her son to law school.*

"We are excited about our shoe drive," said Gloria Jensenius, Board Secretary "We know that most people have extra shoes in their closets they would like donate to us and help those less fortunate become self-sufficient. It's a win-win for everyone," added Gloria.

By donating gently worn, used and new shoes to the Waterford Youth Assistance the shoes will be given a second chance and make a difference in people's lives. You will also be supporting waste sustainability efforts by reducing waste in landfill. **The WYA Shoe Collection Drive will run from September 10 through November 9.**

**BOARD MEMBERS PRESENT:**

Gary Wall, Supervisor  
Kim Markee, Clerk  
Margaret Birch, Treasurer  
Anthony Bartolotta, Trustee  
Art Frasca, Trustee  
Karen Joliat, Trustee  
Steven Thomas, Trustee

**OTHERS PRESENT:**

Jeff Polkowski	Gary Dovre	Caller 02
Josh Bowren	Justin Westlake	Resident
Joan Rogers	Myles J. Baker	Caller 03
Janet Matsura	Terrance Garrett	Caller 04
Rob Merinsky	Caller 01	

Supervisor Gary Wall called the meeting to order at 6:02 p.m. and asked for a moment of silence for the brave men and women who have served our Country and then lead the Pledge of Allegiance.

Roll call vote was taken. All Board members were present.

**1. APPROVE AGENDA**

1.1 September 28, 2020

Moved by Frasca,

Seconded by Joliat; RESOLVED, to approve the September 28, 2020, agenda as printed. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat and Thomas

Nays: None

Absent: None

Motion carried unanimously.

**2. ANNOUNCEMENTS**

2.1 The General Election will be held in the Charter Township of Waterford, on Tuesday, November 3, 2020, from 7 a.m. to 8 p.m. Voters wishing to obtain an absentee ballot may do so by contacting the Township Clerk's office. The Clerk's Office is open Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

2.2 Absentee Ballot Tips:

- If you do not receive your absentee ballot by October 10, 2020, **PLEASE** contact the Clerk's Office.
- You may return your ballot as soon as possible, once you vote your ballot. You do not need to wait until Election Day to return it.
- Make sure you sign your ballot envelope!
- Return your absentee ballot using the absentee voter's drop box in the parking lot near the Police Department, or return directly to the Waterford Township Clerk's office.
- If you return your ballot via the USPS, please mail your ballot as early as possible using the prepaid postage envelope provided. The USPS recommends mailing your ballot by October 27, 2020.
- Track your ballot at [www.michigan.gov/vote](http://www.michigan.gov/vote)
- For additional questions, contact the Clerk's Office 248-674-6266 or [elections@waterfordmi.gov](mailto:elections@waterfordmi.gov)

- 2.3 Waterford Youth Assistance will begin conducting a shoe drive starting on Thursday, September 10th to raise funds for WYA programs. Waterford Youth Assistance will earn funds based on the total weight of the shoes collected as Funds2Orgs will purchase all of the donated footwear. Dollars earned will help support family education programs, mentoring programs, youth scholarship and recognition programs, low income families with financial needs, and continue youth casework services. Anyone can help by donating gently worn used, or new shoes to any of the following locations: Recovered Chiropractic: 5140 Highland Road, Waterford, Waterford Township Town Hall: 5200 Civic Center Drive, Waterford, and Crave Nutrition: 2891 Pontiac Lake Road, Waterford. The WYA Shoe Collection Drive will run from September 10 through November 9.
- 2.4 It's not too late to respond to the 2020 Census. The census provides critical data that lawmakers, business owners, teachers, and many others use to provide services, products, planning, and support for you and our community. Every year, \$675 billion in federal funding goes to hospitals, fire departments, schools, roads, and other resources based on census data. It is estimated that each Census response impacts local funding by approximately \$18,000 over the course of 10 years. Take 10 minutes today to complete the Census online at [www.2020census.gov](http://www.2020census.gov) or by phone 800-923-8282. Your action today helps shape Waterford's future for the next 10 years. Visit Waterford Township's Census information page at [www.waterfordmi.gov/census](http://www.waterfordmi.gov/census) for details, resources, videos and more! And remember our Waterford 2020 Census Slogan – I count, You count, We count, Everyone counts. Get counted, It counts!

### 3. Consent Agenda

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- 3.1 September 14, 2020, Meeting Minutes
- 3.2 September 28, 2020, Bill Payment
- 3.3 Receive the Treasurer's Office August 2020 Report
- 3.4 Appoint Sue Camilleri to the Library Advisory Board

Current Library Advisory Board member Nicole Alef has resigned effective August 31, 2020. Nicole has served the Township faithfully in her role and we appreciate her contributions as a member of the Library Advisory Board. Ms. Alef's appointment was approved through December 31, 2020.

To fill this vacancy, I respectfully request the Township Board's approval for the appointment of Waterford resident and former Township Clerk Sue Camilleri to the Library Advisory Board for a term September 29, 2020 – December 31, 2023. This first term will cover the remainder of Ms. Alef's appointment through December 31, 2020, and continue through the standard three-year length for which Library Advisory Board members are appointed to serve.

The Library Advisory Board is responsible for working with the Director to establish long-range planning and goal setting for the Township library operations.

Ms. Camilleri is an avid supporter of the Waterford Township public library and its programs, long-time resident of the community, and served as the Township Board liaison to the Library Advisory Board during her tenure as Waterford Township's Clerk. Sue possesses the knowledge, experience, commitment and enthusiasm to help steer the Library in a positive direction to continue providing a robust range of services to the community. Sue's contributions and unique insights will be to the benefit of the Library and the Waterford community as a whole.

Joan Rogers, Library Director also supports this recommendation.

## 3.5 Reappoint John Barker &amp; Nick Ristich to Hess-Hathaway Advisory Committee

I respectfully request the Township Board's approval for the reappointment of Waterford Township residents John Barker and Nick Ristich to the Hess-Hathaway Advisory Committee for three-year terms to expire March 1, 2023.

Both John and Nick have served on this Advisory Committee for a number of years, and will continue to offer experience, knowledge and dedication for Waterford Township, Waterford Parks and Recreation, and the Hess-Hathaway Park. I feel confident in their abilities to be effective in performing the duties required by members of this Committee.

Moved by Frasca,

Seconded by Joliat; RESOLVED, to approve Consent Agenda items 3.1 and 3.5. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat and Thomas

Nays: None

Absent: None

Motion carried unanimously.

4. **Board Liaison Reports (Verbal)**

Trustee Bartolotta:

Discussed the September 21, 2020, Eagle Lake Board meeting.

Supervisor Wall:

Supervisor Wall provided a COVID-19 bi-weekly update by Zip Code. There have been no deaths since August 18, 2020.

	48327	48328	48329
Sept 14 Cases	193	276	246
Deaths	4	14	12
Sept 28 Cases	205	288	256
Deaths	4	14	12

The Governor has lifted some restrictions, effective October 9<sup>th</sup>, and may be able to return to live Board meetings depending on numbers and social distancing guidelines.

Real Men Wear Pink

Starting Thursday, October 1, 2020, is Breast Cancer Awareness Month. Supervisor Wall is taking part in Real Men wear Pink. If you would like to donate, please visit the Township web-site. Cancer is a horrible thing and anything we can do to help it out is appreciated. We'll make this the best we can make it.

Clerk Markee –

Library Advisory Board: The carpet in the entry of the Library is complete. There are only 10 people allowed in the building at a time.

Parks and Recreation: The last movie night earned over \$3,000.

The Absentee Ballots have mailed. Please contact the Clerk's office if you do not receive your ballot.

Trustee Frasca

Hess Hathaway Advisory Committee: The Park is open! Please visit the website for events.

**5. Open Business**  
**5.1 Possible Adoption of Zoning Ordinance 2020-Z-007, 5438 & 5446 Cooley Lake Road; Rezone from PL to R1-B, Single Family Residential.**

The following memo was received from Jeffrey Polkowski, Superintendent of Planning and Zoning.

**Current Zoning:** PL-Public Lands  
**Proposed Zoning:** R-1B, Single-Family Residential  
**Master Plan:** Single Family

The applicant is seeking to gain approval for a rezoning request from PL, Public Lands to R-1B, Single-Family Residential. While the applicant has submitted a conceptual site plan for review, this is not part of this rezoning review.

**Zoning History**

1950 – 1975 AG-1, General Agriculture

1975 – 1976 AG-1, General Agriculture and C-2, General Business (Note: at this time, 385 ft. of the southerly (lot 13-33-126-001, from Cooley Lake Rd. inward was zoned C-2, General Business District).

1976 – 1989: R-1A, Single Family Residential along with C-2, General Business (East 385 feet. of 13-33-126-001).

1989 – 2010: The east 495 of both lots, 13-28-378-002 and 13-33-126-001 were zoned C-2, General Business District. The westerly portion of the “subject property”, both lots, was zoned R-1A, Single Family Residential District.

2010 – Present: The subject property in its entirety, has been zoned PL, Public Lands District.

**Project History**

This rezoning application is by Kanti Dhandha, who has owned the subject property since 1990. Mr. Dhandha has also provided a letter outlining additional background information on the property (see attached).

As you will note in the zoning history, a portion of this property was zoned for commercial business starting in 1975 but had been used for a party store/convenience store dating back to the 1960s. The commercial store was demolished in 2001 and the property has remained vacant to the present time.

In 2010, the Township updated the Zoning Ordinance and land use maps for the community. At that time and when considering the subject property’s vacant status, its irregular size, access to Cooley Lake Rd. and proximity to the Township’s Elizabeth Lake Woods Park, the PL, Public Lands District was assigned as the most suitable zoning classification. After reviewing the applicant’s rezoning application with the Waterford Parks and Recreation Department, at this time, the Department is not in a position to pursue purchasing the property for a potential secondary access to the Township’s Elizabeth Lake Woods Park under the current Public Lands zoning classification.

Possible Adoption of Zoning Ordinance 2020-Z-007, 5438 & 5446 Cooley Lake Road; Rezone from PL to R1-B, Single Family Residential Continued.

The subject property consists of two parcels. Township records show that the northerly most parcel has 65 feet of width and 1345 feet of depth for a total of 2 acres. The southerly parcel has 66 feet of width and 1345 feet of depth for a total of approximately 2 acres. As with the Brookhaven Ct. subdivision to the north and the Waterford Preserves Condominium development to the south, the subject property is impacted by regulated wetlands associated with the adjacent Clinton River to the west. It is estimated that approximately 50% of the total land area of 4 acres is impacted by these associated wetlands.

In 1998, the Waterford Preserves Condominium development was constructed. At that time, the developer of that project contemplated a future phase that involved the applicant's property and the condominium plan showed Ashby Ct. connecting to the property. The acquisition of the subject property never occurred. However, at that time, when considering the subject property's constraints with regard to width, depth and wetlands, it made sense to consider combining it into the Waterford Preserves project for a feasible "future phase."

Please note that upon learning that the applicant, Mr. Dhandha had considered to develop the subject property and applied for this rezoning, the Waterford Preserves Condominium Association had submitted a letter (2018) opposing any proposed road connection to Ashby Ct., a private Road.

The Planning Commission heard this application during the November 29, 2018 special meeting and issued an unfavorable recommendation to the Township Board which was scheduled to hear this case on December 12, 2018. It was discovered that due to an error in the public notices, only a single resident of the Waterford Preserves Condominium was notified which invalidated the public meeting for this request.

**Zoning Ordinance: Termination of Public Lands**

The termination of the PL, Public Lands zoning designation is identified under Section 3-503.5 as stated below:

*3-503.5. Termination of Public Use on a Zoning Lot. Upon sale or other final release of property by a governmental agency, noncommercial educational agency, or religious organization, a zoning lot in the PL district may be returned or altered to a zoning classification which applied to the zoning lot prior to the establishment of the PL district and which conforms to the Master Plan future land use designations of the surrounding zoning lots.*

**Master Plan Designation**

The Master Plan indicates that these parcels are designated as Public and Open Space: Public Lands. The primary land use within the Single Family designation is centered around single family dwelling units, as defined under Public Act 230 of 1972, as amended. This designation provides for a limited range of single family density classifications, from a low density of one dwelling unit per acre, to a high density of 5.5 dwelling units per acre.

**Planning Commission Recommendation and Findings**

At the regularly scheduled August 25, 2020 Planning Commission meeting a motion was made by Commissioner Sintkowski and Supported by Commissioner Bartolotta to forward a favorable recommendation in Case No. 18-11-01 on to the Township Board, to rezone the subject property of this application from PL, Public Lands to R-1B, Single-Family Residential District based on the following findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public. Finding that:

Possible Adoption of Zoning Ordinance 2020-Z-007, 5438 & 5446 Cooley Lake Road; Rezone from PL to R1-B, Single Family Residential Continued.

- A. *The requested zoning change is consistent with the adopted Master Plan as amended.*
- B. *The requested zoning change is consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.*
- C. *The subject zoning lot is physically suitable to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.*
- D. *The trend of development in the general area of the subject zoning lot is consistent with the requested zoning change.*
- E. *The Township and other public agencies do possess the capacity to provide all utility and public safety services that would be required for the range of land uses permitted under the proposed zoning classification.*
- F. *The requested zoning change and the resulting range of uses permitted under the proposed zoning classification will not result in any significant environmental impacts.*
- G. *The proposed zoning amendment will not be detrimental to the public interest.*

The motion was carried unanimously (7-0)

**Motions**

Based upon the Planning Commission's favorable recommendation at the August 25, 2020 regular meeting for this rezoning case, should the Board want to consider adopting the requested rezoning to R-1B, Single Family Residential, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the September 28, 2020 meeting.

However, if the Board does not want to adopt the requested rezoning, the appropriate motion would be to not introduce the Ordinance and deny the rezoning.

Staff will be available at Monday's meeting for any questions on this case. However, if you have any questions in advance of the meeting, please contact this office.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
ORDINANCE NO. 2020-Z-007  
**ZONING ORDINANCE MAP AMENDMENT**

An ordinance to amend the Waterford Township Zoning Ordinance by rezoning a parcel of property and amending the Zoning Map.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The parcels of property that are assigned tax parcel numbers 13-28-378-002 and 13-33-126-001, with current addresses of 5438 & 5446 Cooley Lake Road are rezoned from **PL, Public Land District to R-1B, Single-Family Residential District**, with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101, to be changed and amended to reflect this rezoning.

**Section 2 of Ordinance**

The effective date of this ordinance shall be on the 8<sup>th</sup> day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this

Possible Adoption of Zoning Ordinance 2020-Z-007, 5438 & 5446 Cooley Lake Road; Rezone from PL to R1-B, Single Family Residential Continued.

Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Map Amendment Ordinance was adopted by a majority vote of the members of the Board of Trustees of the charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_.

CHARTER TOWNSHIP OF WATERFORD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kim Markee, Township Clerk

Jeff Polkowski, Superintendent of Planning and Zoning addressed the Board and provided an overview of the Zoning Ordinance Map Amendment, 2020-Z-007.

Supervisor Wall stated they are proposing two single family homes.

Township Attorney stated that the proposed rezoning would not absolutely and positively prohibit more than two single family homes. However, the applicant would have a very steep uphill climb to be approved for more than two.

Supervisor Wall asked if there were anyone from the public that would like to make a comment. Clerk Markee stated to press \*6 if you would like to speak. No one addressed the Board.

Moved by Joliat,

Seconded by Birch, RESOLVED, to adopt Zoning Ordinance Map Amendment 2020-Z-007, for rezoning from PL, Public Land District, to R1-B, Single Family Residential District. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat and Thomas

Nays: None

Absent: None

Motion carried unanimously.

**6. New Business**

**6.1 Campus Waste & Recycling Removal Contract**

The following memo was received from Russell D. Williams, DPW Director.

Please review the attached memo from Mr. Justin Westlake, DPW Facilities & Operations Superintendent in reference to campus waste and recycling disposal.

Per the Waterford Township Procurement Policy, sealed bids were accepted and opened on September 1, 2020 in the townhall auditorium in the presence of Mr. Gary Wall, Waterford Township Supervisor, Ms. Kimberly Markee, Waterford Township Clerk, Ms. Dawn Cito, Waterford Township Purchasing Account Coordinator and Mr. Justin Westlake, Waterford Township DPW Facilities and Operations Superintendent.

Campus Waste & Recycling Removal Contract Continued.

<b>Requested Board Action</b>
<b>Award contract DPW-20-01 to Advanced Disposal, a three-year campus wide waste and recycling disposal contract for \$55,967.59.</b>

Clerk Markee inquired if this included recycling. Justin Westlake advised it includes dumpster recycling on the campus and some of the fire stations.

Clerk Markee inquired about the pricing as at the bid opening

Trustee Bartolotta inquired about the quantities of pick up at the DPW vs. other departments.

Township Attorney addressed the Board of Trustees.

Moved by Markee,

Seconded by Joliat, RESOLVED, to award the three-year (2021-2023) campus wide waste and recycling disposal contract for \$55,967.59 to advanced Disposal, Contract DPW-20-01 for trash and recycling removal. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

**6.2 Purchase of (3) Marked Police Patrol Vehicle**

The following memo was received by Police Chief Underwood.

We have identified three marked patrol fleet vehicles that need to be replaced due to age and mileage. These vehicles are older and approaching one hundred thousand miles. As these vehicles have aged, mechanical failure and maintenance costs have increased.

We closely monitor the age and condition of our entire fleet and replaced two (2) marked police vehicles in the 2019 budget year. Once again, our intention is to purchase several new patrol vehicles and sell the same number from our current patrol fleet at auction. We will sell the highest mileage/oldest vehicles and rotate the new vehicles into the patrol fleet.

Our patrol vehicles are used by uniformed Officers for daily patrol, traffic details, school liaison activities, and all other uniformed special assignments. These vehicles are assigned as needed and routinely rotated throughout the fleet as necessary.

The vehicles for the proposed purchase are listed below:

<u>Vehicle</u>	<u>Model</u>	<u>Unit Price</u>	<u>Total</u>
2021 Utility (3)	Police Package	38,937.67	116,813.00
	Lighting/accessories/build out (3)	12,500.00	37,500.00
		Total Cost	154,313.00

Purchase of (3) Marked Police Patrol Vehicle Continued.

The vehicles listed above will be purchased through the cooperative bid process on an existing contract. The vehicle build-out will be done by Cynergy Products, an approved Township sole-source provider.

***Funds are available for this purchase as follows:******Line item: 20730-97136 (2021) 116,813.00******Line item: 20830-97136PDSM 37,500.00***

The manufacturer cuts off production of these vehicles in December, making it necessary to place our order in the third quarter of 2020. We will take delivery and make payment in the first quarter of 2021.

The Special Assessment District passed in 2018 provides for police vehicle funding each year. We expect the 2021 police budget will earmark 116,813.00 in line item 20730-97136 as described above. The remainder of the purchase, 37,500.00, will be covered using restricted-use state drug forfeiture funds.

We understand the 2021 budget has not been adopted as of this date and purchase approval using funds from that future budget cannot be granted. Our request is two-fold. First, that this honorable body approve the above described expenditure in the amount of \$154,313.00. Funding for the entire purchase is currently available in the restricted-use state drug forfeiture fund, account #20830-97136PDSM. Second, when the vehicles are delivered in the first quarter of 2021 and that approved budget is in place, that a journal entry change be approved in the amount of 116,813.00 from 20830-97136PDSM to 20730-97136, to reflect the two separate line item amounts stated above.

Thank you in advance for your consideration. If you have any questions, please don't hesitate to contact me.

Clerk Markee clarified the expenditure amount and account numbers.

Moved by Bartolotta,

Seconded by Birch, RESOLVED, to approve the purchase of three marked patrol vehicles. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

**6.3 Request for Authorization of Waterford Township-DTE LED Streetlight Conversion Agreement**

The following memo was received by Rob Merinsky, Development Services Director.

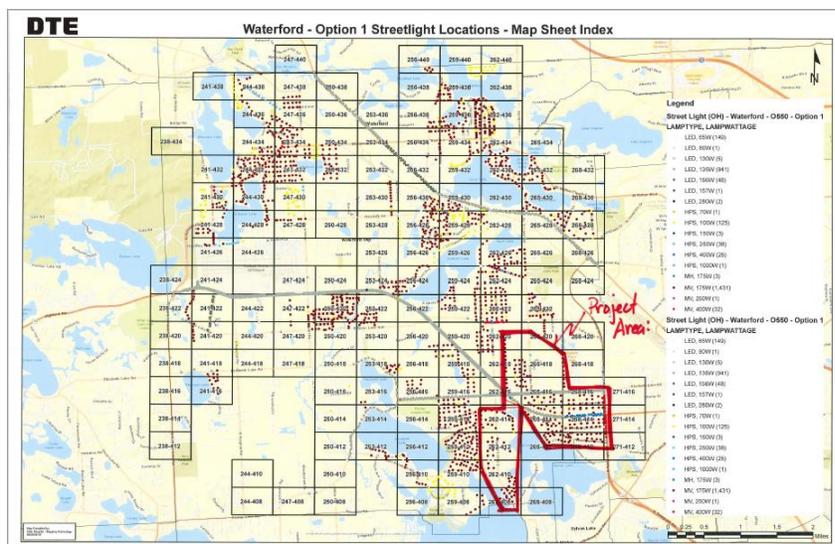
The Development Services Department has been communicating with staff from the DTE Community Lighting division regarding a potential streetlight conversion project in which DTE would furnish, install, operate and maintain 285 new LED fixtures, which would replace the same number of older, inefficient fixtures in a project area located in the southeasterly corner of the Township (see map below). The Township has worked with DTE in the past to convert streetlight fixtures along Dixie Highway and Highland Road.

Because of our recent discussion, DTE has submitted the attached project agreement for the Board's consideration. Per DTE's attached cover letter, the estimated project cost, list of project benefit(s), and payback (or Return on Investment, ROI) are as follows.

<b>Project Estimate Breakdown</b>	
Project Cost	\$74,458.00
Less DTE Contribution	(\$16,445.00)
<b>Total Upfront Cost</b>	<b>\$58,013.00</b>
Est. Rebate Issued After Construction	\$9,748.00
Final Cost to Convert after Rebate	\$48,265.00
Current Annual Invoice	\$92,914.44
Future Annual Invoice	\$52,189.68
Annual Savings	\$40,724.76
Payback	1.19 years

Note all 285 streetlights are within streetlight special assessment districts previously established by the Township. Further, staff has determined that 143 of the 285 streetlights are also located within a CDBG target area (i.e. in the Huron Gardens subdivision). This is mentioned because the Township Board previously allocated CDBG funds towards such a streetlight conversion project as part of Waterford Township's CDBG PY 46 Annual Action Plan (AAP) that was recently approved by the U.S. Department of Housing and Urban Development. Therefore, the total upfront cost (\$58,013) for this project can be split between CDBG and the general fund.

In summary, staff believes that the conversion project will provide high quality lighting within an area that warrants investment at a lower cost, and, ultimately will decrease the Township's carbon footprint. Further, having CDBG funds on top of the generous contribution from DTE (\$16,445), the Township's initial commitment towards this project becomes very reasonable. Therefore, staff is recommending that the Board:



Request for Authorization of Waterford Township-DTE LED Streetlight Conversion Agreement

- 1) Pass a motion authorizing the Township Supervisor to sign the enclosed Purchase Agreement prepared by DTE for this project.
- 2) Direct staff to allocate \$29,006.50 out of the 2020 Improvement & Revolving fund to go along with \$29,006.50 out of funds previously allocated under the Township's CDBG PY 46 Annual Action Plan to cover the **\$58,013** expenditure as cited in the agreement.
- 3) If you have any questions or require additional information, please contact me via telephone at (248) 674-6247 or via e-mail at rmerinsky@waterfordmi.gov.

Mr. Merinsky addressed the Board of Trustees.

Moved by Bartolotta,

Seconded by Frasca, RESOLVED, to authorizing the Township Supervisor to sign the enclosed Purchase Agreement prepared by DTE for this project; furthermore, to direct staff to allocate \$29,006.50 out of the 2020 Improvement & Revolving fund to go along with \$29,006.50 out of funds previously allocated under the Township's CDBG PY 46 Annual Action Plan to cover the \$58,013.00 expenditure as cited in the agreement. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat and Thomas

Nays: None

Absent: None

Motion carried unanimously.

#### 6.4 Delinquent Residential Waste Hauler Billings Request to Transfer to 2020 Winter Tax Roll

Trustee Joliat read the following resolution.

**CHARTER TOWNSHIP OF WATERFORD  
RESOLUTION APPROVING PLACEMENT OF DELINQUENT  
WASTE HAULER CHARGES TO TAX ROLL AND WINTER 2020 TAX BILLS**

**RECITALS**

- A. Section 9-067 of the Waterford Charter Township Code ("Ordinance"), **Delinquent charges inclusion on tax bills and tax roll**, allows GFL Environmental USA, Inc. "GFL", the designated residential waste hauler servicing Waterford Township municipal residential customers, to request that the Township place the amount of any delinquent invoices and late payment penalties for each residential premises that have not been paid, on the tax roll and December tax bill as provided in Section 1-014 of the Waterford Township Code of Ordinances.
- B. Delinquent charges subject to inclusion on tax bills and the tax roll include amounts that were due for the March 30, 2020 – June 30, 2020 and July 1, 2020 to September 30, 2020, service periods and residents with delinquent balances as of July 31, 2020, have been mailed a notice that the delinquent charges would be transferred to the winter tax bills and tax roll if not paid.
- C. Attached to this resolution is an Affidavit signed by an authorized representative of GFL attesting to the accuracy of the list of delinquent accounts attached to that, detailing the delinquent charges GFL is requesting be placed on the tax roll and tax bills.

Delinquent Residential Waste Hauler Billings Request to Transfer to 2020 Winter Tax Roll Continued.

D. Considering that the COVID-19 State of Emergency has existed during the entire period GFL has been providing the services for which the delinquent charges have accrued and that this is the first year of GFL serving as the Township’s designated residential waste hauler, in adopting this Resolution, the Township Board of Trustees is exercising its authority under Section 1-015 of the Waterford Township Code of Ordinances to grant a variance to all customers on the list of delinquent accounts from the regulation in Section 9-067 that provides for a six (6%) percent penalty on the delinquent charges placed on the tax roll and tax bills for collection.

**IT IS THEREFORE RESOLVED**, that the Charter Township of Waterford Board of Trustees approves the tax transfer request by GFL to place the delinquent invoice charges on the list of delinquent accounts attached to the GFL Affidavit on the tax roll and December 2020 tax bills, which shall be for collection as any other real property tax.

**CERTIFICATION**

As the Clerk of the Charter Township of Waterford, County of Oakland, Michigan, I hereby certify that this Resolution was adopted at a regular meeting of the Township Board of Trustees on September 28, 2020.

September \_\_\_\_, 2020

\_\_\_\_\_  
Kim Markee, Clerk

Moved by Joliat,  
Seconded by Bartolotta, RESOLVED, to adopt the Charter Township of Waterford Resolution Approving Placement of Delinquent Waste Hauler Charges to Tax Roll and Winter 2020 Tax Bills. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas  
Nays: None  
Absent: None

Motion carried unanimously.

**6.5 Public Comments limited to Three (3) Minutes per Speaker**

Supervisor Wall stated \*6 to unmute and address the board.

Clerk Markee stated there is no one writing in the chat area.

**ADJOURNMENT**

Moved by Markee,  
Seconded by Birch, RESOLVED, to adjourn the meeting at 6:41 p.m. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried.

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Kim Markee, Clerk

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Gary Wall, Supervisor

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
291358	09/22/2020	PRINTED	011121 A-C TIRE & SERV CTR	79.95			
291359	09/22/2020	PRINTED	011730 ARROW PRINTING	1,089.75			
291360	09/22/2020	PRINTED	011790 AT&T	1,694.64			
291361	09/22/2020	PRINTED	011790 AT&T	2,034.35			
291362	09/22/2020	PRINTED	013685 APPLIED IMAGING	1,748.08			
291363	09/22/2020	PRINTED	013840 AUTO-OWNERS INSURANCE	1,523.00			
291364	09/22/2020	PRINTED	014472 ALPHA DIRECTIONAL BORING	3,000.00			
291365	09/22/2020	PRINTED	021079 BAKER & TAYLOR BOOKS	2,776.89			
291366	09/22/2020	PRINTED	021510 BLUE CROSS & BLUE SHIELD	185,888.66			
291367	09/22/2020	PRINTED	023068 K & Q LAW, PC	400.00			
291368	09/22/2020	PRINTED	023248 GARY BERG	1,350.00			
291369	09/22/2020	PRINTED	023456 BLACKBURN MFG CO	531.48			
291370	09/22/2020	PRINTED	023492 BLUEBEAM INC	4,480.00			
291371	09/22/2020	PRINTED	023602 BOUND TREE MEDICAL LLC	38.00			
291372	09/22/2020	PRINTED	023733 BREATHING AIR SYSTEMS	1,105.89			
291373	09/22/2020	PRINTED	031933 FARID ISHAC	2,550.00			
291374	09/22/2020	PRINTED	041192 CDW GOVERNMENT INC	8,812.00			
291375	09/22/2020	PRINTED	041316 CHICAGO MOVIES TOURS & TA	150.00			
291376	09/22/2020	PRINTED	041495 CMP DISTRIBUTORS INC	29,800.00			
291377	09/22/2020	PRINTED	043626 CONSUMERS ENERGY	155.86			
291378	09/22/2020	PRINTED	053215 DELTA DENTAL	44,539.46			
291379	09/22/2020	PRINTED	053253 DTE ENERGY	12,877.65			
291380	09/22/2020	PRINTED	053389 LUNGHAMER GMC INC	1,781.92			
291381	09/22/2020	PRINTED	053848 MARC DUTTON IRRIGATION IN	1,100.00			
291382	09/22/2020	PRINTED	063546 ENABLE POINT INC	572.00			
291383	09/22/2020	PRINTED	063708 RICHARD ERICKSON	140.00			
291384	09/22/2020	PRINTED	063941 EXCEL INDUSTRIAL ELECTRON	416.00			
291385	09/22/2020	PRINTED	064008 ELECTRONIC MONITORING SYS	719.75			
291386	09/22/2020	PRINTED	073932 CHRISTOPHER WEBSTER	200.00			
291387	09/22/2020	PRINTED	083373 FIRESTONE TIRE & SERV CTR	392.52			
291388	09/22/2020	PRINTED	083580 FORSTER BROTHERS	36.00			
291389	09/22/2020	PRINTED	083836 KENNETH E FUERST	60.00			
291390	09/22/2020	PRINTED	093025 GALE/CENGAGE LEARNING	571.85			
291391	09/22/2020	PRINTED	093210 GENESEE VALLEY VAULT INC	575.00			
291392	09/22/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	2,138.55			
291393	09/22/2020	PRINTED	093705 GRAINGER	1,001.74			
291394	09/22/2020	PRINTED	093823 GREEN MEADOWS LAWNSCAPE,	20,480.00			
291395	09/22/2020	PRINTED	093833 GUARDIAN ENVIRONMENTAL SE	348.00			
291396	09/22/2020	PRINTED	093840 LOOMIS FARGO & CO	873.06			
291397	09/22/2020	PRINTED	093863 GREAT LAKES WATER AUTHORI	2,963.18			
291398	09/22/2020	PRINTED	101950 HYDRO CORP	3,067.00			
291399	09/22/2020	PRINTED	103018 DERWOOD HAINES JR	950.00			
291400	09/22/2020	PRINTED	103252 KATHY HEPLER	60.00			
291401	09/22/2020	PRINTED	103584 JOHN H HOLMES	700.00			
291402	09/22/2020	PRINTED	113542 INGRAM LIBRARY SERVICES	98.58			
291403	09/22/2020	PRINTED	121011 J&B MEDICAL SUPPLY	1,139.53			
291404	09/22/2020	PRINTED	123585 CHARESA JOHNSON	370.00			
291405	09/22/2020	PRINTED	143022 TODD KALUZNY	332.00			
291406	09/22/2020	PRINTED	143600 SCOTT C KOZAK	225.00			
291407	09/22/2020	PRINTED	143837 JASON KUCMIERZ	323.50			
291408	09/22/2020	PRINTED	153367 LIBRARY NETWORK, THE	8,107.78			
291409	09/22/2020	PRINTED	161073 LORRAINE MACKO	81.81			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

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291413	09/22/2020	PRINTED	163476 MIDWEST TAPE	2,029.92			
291414	09/22/2020	PRINTED	163485 PAULETTE MICHEL LOFTIN	50.00			
291415	09/22/2020	PRINTED	163489 DAVE MILLER LLC	114.00			
291416	09/22/2020	PRINTED	163508 FERGUSON WATERWORKS #3386	5,730.00			
291417	09/22/2020	PRINTED	164387 MIKES CLEARWATER HARVESTI	8,137.00			
291418	09/22/2020	PRINTED	174456 STATE OF MICHIGAN	100.00			
291419	09/22/2020	PRINTED	193882 OVERDRIVE, INC.	1,483.66			
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291421	09/22/2020	PRINTED	211004 POWERBRITE OF MICHIGAN IN	705.03			
291422	09/22/2020	PRINTED	211016 PIM LAKE & LAND MANAGEMEN	9,045.33			
291423	09/22/2020	PRINTED	213251 LAURA PETRUSHA	60.00			
291424	09/22/2020	PRINTED	213454 NANCY PLASTERER	457.00			
291425	09/22/2020	PRINTED	213624 POLLARDWATER	884.01			
291426	09/22/2020	PRINTED	241008 RKA PETROLEUM COMPANIES,	1,194.37			
291427	09/22/2020	PRINTED	243206 RECORDED BOOKS LLC	136.03			
291428	09/22/2020	PRINTED	251234 SECREST WARDLE LYNCH HAMP	12,500.00			
291429	09/22/2020	PRINTED	251790 STATE WIRE & TERMINAL INC	240.77			
291430	09/22/2020	PRINTED	251964 RS TECHNICAL SERVICES INC	2,060.55			
291431	09/22/2020	PRINTED	253153 SCOTT LAKE IMPROVEMENT AS	1,238.01			
291432	09/22/2020	PRINTED	253388 SIMPLY TIDY	150.00			
291433	09/22/2020	PRINTED	253400 KATHRYN SIMMONS	425.00			
291434	09/22/2020	PRINTED	253954 SYMBOL ARTS	240.00			
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291436	09/22/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	97.66			
291437	09/22/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	153.16			
291438	09/22/2020	PRINTED	271481 UNITED STATES LIABILITY I	972.00			
291439	09/22/2020	PRINTED	271670 UPS FREIGHT	95.00			
291440	09/22/2020	PRINTED	271764 U S POSTMASTER	2,000.00			
291441	09/22/2020	PRINTED	271764 U S POSTMASTER	3,000.00			
291442	09/22/2020	PRINTED	271764 U S POSTMASTER	3,600.00			
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291447	09/22/2020	PRINTED	304930 WATERFORD TOWNSHIP DPW	1,088.60			
291448	09/22/2020	PRINTED	500246 MI MED INC	335.88			
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*Kim Markee*  
*9-22-2020*

# Checks Already Mailed

09/22/2020 11:12 | WATERFORD TOWNSHIP  
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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
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291274	09/15/2020	PRINTED	013666 APOLLO FIRE APPARATUS	135.00			
291275	09/15/2020	PRINTED	013685 APPLIED IMAGING	1,989.00			
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291277	09/15/2020	PRINTED	023602 BOUND TREE MEDICAL LLC	396.00			
291278	09/15/2020	PRINTED	023872 BUSSARD APPL PARTS INC	25.77			
291279	09/15/2020	PRINTED	030055 T4 PROPERTIES LLC	100.00			
291280	09/15/2020	PRINTED	030079 JC DEVELOPMENT LLC	400.00			
291281	09/15/2020	PRINTED	030080 BRANDON WIGGINS	100.00			
291282	09/15/2020	PRINTED	031160 CREATIVE DESIGNS & SIGNS	100.00			
291283	09/15/2020	PRINTED	031635 PMG BUILDING INC	400.00			
291284	09/15/2020	PRINTED	032966 R N CONSTRUCTION	100.00			
291285	09/15/2020	PRINTED	039944 HOME INSPECTION PLUS	100.00			
291286	09/15/2020	PRINTED	039951 FOUNDATION SYSTEMS OF MIC	200.00			
291287	09/15/2020	PRINTED	041054 CASS LAKE SHORE CLUB	2,310.00			
291288	09/15/2020	PRINTED	041192 CDW GOVERNMENT INC	198.35			
291289	09/15/2020	PRINTED	041460 CLYDES FRAME & WHEEL SERV	138.24			
291290	09/15/2020	PRINTED	043134 CAMBRIDGE CONSULTING GROU	708.00			
291291	09/15/2020	PRINTED	043626 CONSUMERS ENERGY	505.73			
291292	09/15/2020	PRINTED	043722 SHARON CRAIN	2,302.00			
291293	09/15/2020	PRINTED	051007 DTE ENERGY	73,242.67			
291294	09/15/2020	PRINTED	051237 DE-CAL, INC	38,500.00			
291295	09/15/2020	PRINTED	051605 DOUG'S TREE & LAWN CARE S	360.00			
291296	09/15/2020	PRINTED	053253 DTE ENERGY	12,327.43			
291297	09/15/2020	PRINTED	053756 DRUG SCREENS PLUS	132.00			
291298	09/15/2020	PRINTED	053848 MARC DUTTON IRRIGATION IN	1,031.50			
291299	09/15/2020	PRINTED	063025 EJ USA, INC	938.40			
291300	09/15/2020	PRINTED	063362 ELIZABETH LAKE ESTATES, L	2,931.00			
291301	09/15/2020	PRINTED	073317 SCOTT GOOD	79.92			
291302	09/15/2020	PRINTED	073462 COURTNEY LAWRENCE	50.00			
291303	09/15/2020	PRINTED	073512 ALISE MANATINE	3,600.00			
291304	09/15/2020	PRINTED	083466 FLEX ADMINISTRATORS INC	1,457.50			
291305	09/15/2020	PRINTED	093751 FRAIBERG & PERNIE PLLC	300.00			
291306	09/15/2020	PRINTED	093594 GOOSE BUSTERS	227.50			
291307	09/15/2020	PRINTED	093702 JUDITH GRACEY	300.00			
291308	09/15/2020	PRINTED	093705 GRAINGER	860.76			
291309	09/15/2020	PRINTED	103584 JOHN H HOLMES	100.00			
291310	09/15/2020	PRINTED	103641 HOME CONFINEMENT	399.50			
291311	09/15/2020	PRINTED	113542 INGRAM LIBRARY SERVICES	136.18			
291312	09/15/2020	PRINTED	121003 POWER PLAN	67.24			
291313	09/15/2020	PRINTED	121011 J&B MEDICAL SUPPLY	233.78			
291314	09/15/2020	PRINTED	121300 JGM VALVE CORP	34,086.00			
291315	09/15/2020	PRINTED	123047 ROBERT JAVERY	181.38			
291316	09/15/2020	PRINTED	143019 MARSHA KOSMATKA	300.00			
291317	09/15/2020	PRINTED	143586 KONE INC	567.78			
291318	09/15/2020	PRINTED	151011 LTM AUTO TRUCK AND TRAILER	85.00			
291319	09/15/2020	PRINTED	151076 MARIA LAUNGER	9,254.00			
291320	09/15/2020	PRINTED	161014 MI MUNICIPAL RISK MGMNT	24,654.96			
291321	09/15/2020	PRINTED	163095 MAZZA AUTO PARTS INC	50.97			
291322	09/15/2020	PRINTED	163139 DEBORAH H MCKELVY	675.00			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
291323	09/15/2020	PRINTED	174721 STATE OF MICHIGAN	210.00			
291324	09/15/2020	PRINTED	183952 NYE UNIFORM COMPANY	1,440.41			
291325	09/15/2020	PRINTED	193273 OFFICE DEPOT	31.59			
291326	09/15/2020	PRINTED	193277 OFFICIAL PAYMENTS CORP	341.39			
291327	09/15/2020	PRINTED	193293 OGLETREE,DEAKINS,NASH,SMO	63.00			
291328	09/15/2020	PRINTED	204040 OAKLAND COUNTY TREASURER	1,152.00			
291329	09/15/2020	PRINTED	204321 OAKLAND COUNTY YOUTH ASSI	350.00			
291330	09/15/2020	PRINTED	204860 ROAD COMMISSION FOR	328.33			
291331	09/15/2020	PRINTED	204910 OAKLAND CNTY TREASURERS O	200.51			
291332	09/15/2020	PRINTED	211016 PLM LAKE & LAND MANAGEMEN	2,831.96			
291333	09/15/2020	PRINTED	213211 PERCEPTIVE CONTROLS INC	2,583.00			
291334	09/15/2020	PRINTED	213334 LEONARD PHIPPS	57.37			
291335	09/15/2020	PRINTED	213608 SCOTT POWERS	225.00			
291336	09/15/2020	PRINTED	213759 PRODUCTION PRINTING & GRA	285.29			
291337	09/15/2020	PRINTED	220124 CHRISTINE KOZICKI	250.00			
291338	09/15/2020	PRINTED	220125 ANAYELI MARTINEZ	65.00			
291339	09/15/2020	PRINTED	220128 MELODI PENERMON	75.00			
291340	09/15/2020	PRINTED	225842 KRISTEN WAGNER	95.00			
291341	09/15/2020	PRINTED	227229 DAWN MILMINE	90.00			
291342	09/15/2020	PRINTED	227663 COLLEEN SPRINGS	140.00			
291343	09/15/2020	PRINTED	227712 JAMES ANDREWS	155.00			
291344	09/15/2020	PRINTED	233839 QUALITY FIRST AID AND SAF	235.86			
291345	09/15/2020	PRINTED	241008 RKA PETROLEUM COMPANIES,	7,027.03			
291346	09/15/2020	PRINTED	243206 RECORDED BOOKS LLC	59.98			
291347	09/15/2020	PRINTED	251006 SHRADER TIRE & OIL OF MIC	322.18			
291348	09/15/2020	PRINTED	253398 CZESLAWA SIRING	1,800.00			
291349	09/15/2020	PRINTED	253802 STATE BARRICADES INC	135.00			
291350	09/15/2020	PRINTED	254843 STAR EMS	3,404.97			
291351	09/15/2020	PRINTED	263737 TRUGREEN	105.06			
291352	09/15/2020	PRINTED	273533 UNIFIRST CORP	538.65			
291353	09/15/2020	PRINTED	281009 VGWF 405, LLC	2,775.00			
291354	09/15/2020	PRINTED	283242 VERIZON WIRELESS	225.30			
291355	09/15/2020	PRINTED	283242 VERIZON WIRELESS	842.88			
291356	09/15/2020	PRINTED	293355 WILBUR WHITE JR	2,550.00			
291357	09/15/2020	PRINTED	500483 CSG FORTE PAYMENTS INC	795.00			
			87 CHECKS	CASH ACCOUNT TOTAL	259,930.11	.00	

10/06/2020 12:59 | WATERFORD TOWNSHIP  
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| P 1  
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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
291550	10/06/2020	PRINTED	011015 TRACTION	109.25			
291551	10/06/2020	PRINTED	011040 AED SUPERSTORE	630.20			
291552	10/06/2020	PRINTED	011700 AQUA-WEED CONTROL INC	6,412.50			
291553	10/06/2020	PRINTED	011730 ARROW PRINTING	456.17			
291554	10/06/2020	PRINTED	021079 BAKER & TAYLOR BOOKS	3,107.20			
291555	10/06/2020	PRINTED	023374 BILL PARSONS HORSESHOE &	150.00			
291556	10/06/2020	PRINTED	023488 BLUE CROSS BLUE SHIELD OF	156.13			
291557	10/06/2020	PRINTED	023732 BRENDDEL'S SEPTIC TANK SER	479.64			
291558	10/06/2020	PRINTED	030092 DMJJ LLC	1,000.00			
291559	10/06/2020	PRINTED	030093 WILLIAM J BRICKLEY	100.00			
291560	10/06/2020	PRINTED	030094 LIVING SPACE DETROIT	100.00			
291561	10/06/2020	PRINTED	030095 GLENN FOWLER	100.00			
291562	10/06/2020	PRINTED	030096 HAMMERTIME	100.00			
291563	10/06/2020	PRINTED	030097 BEST 4 LESS RV'S	600.00			
291564	10/06/2020	PRINTED	031635 PMG BUILDING INC	400.00			
291565	10/06/2020	PRINTED	031814 MODERN CRAFT HOMES	100.00			
291566	10/06/2020	PRINTED	032296 GARY TRUEBLOOD	100.00			
291567	10/06/2020	PRINTED	035527 MILLER LANDSCAPE INC	100.00			
291568	10/06/2020	PRINTED	036129 ANTHONY BRANHAM	100.00			
291569	10/06/2020	PRINTED	037302 STEVE GULDA	400.00			
291570	10/06/2020	PRINTED	039771 EVER-DRY OF SOUTHEASTERN	100.00			
291571	10/06/2020	PRINTED	039985 JAMES & STACEY WAGNER	100.00			
291572	10/06/2020	PRINTED	041192 CDW GOVERNMENT INC	1,323.17			
291573	10/06/2020	PRINTED	041222 CCLS INC	605.50			
291574	10/06/2020	PRINTED	043626 CONSUMERS ENERGY	2,993.82			
291575	10/06/2020	PRINTED	043904 COMERICA COMMERCIAL CARD	1,812.09			
291576	10/06/2020	PRINTED	043952 CYNERGY PRODUCTS	85.00			
291577	10/06/2020	PRINTED	044220 CHASE CARD SERVICES	2,102.00			
291578	10/06/2020	PRINTED	051017 DSS CORP	9,382.00			
291579	10/06/2020	PRINTED	051234 MEGAN DENNIS	274.27			
291580	10/06/2020	PRINTED	051445 DLZ MICHIGAN, INC	13,967.64			
291581	10/06/2020	PRINTED	053230 DEMCO SOFTWARE	3,628.18			
291582	10/06/2020	PRINTED	053233 DENT PATROL	175.00			
291583	10/06/2020	PRINTED	053253 DTE ENERGY	10,488.45			
291584	10/06/2020	PRINTED	053867 DUBOIS CHEMICALS INC	14,055.00			
291585	10/06/2020	PRINTED	063004 EAGLE GRAPHICS AND DESIGN	545.00			
291586	10/06/2020	PRINTED	063476 ELECTROCOMM-MICHIGAN, INC	130.00			
291587	10/06/2020	PRINTED	074850 NORMA KELLY-SMITH	100.00			
291588	10/06/2020	PRINTED	082298 4IMPRINT	364.69			
291589	10/06/2020	PRINTED	083452 SUBURBAN FORD OF WATERFOR	15,575.20			
291590	10/06/2020	PRINTED	093025 GALE/CENGAGE LEARNING	28.49			
291591	10/06/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	2,085.44			
291592	10/06/2020	PRINTED	093702 JUDITH GRACEY	402.00			
291593	10/06/2020	PRINTED	093705 GRAINGER	126.93			
291594	10/06/2020	PRINTED	093823 GREEN MEADOWS LAWNSCAPE,	10,765.00			
291595	10/06/2020	PRINTED	101950 HYDRO CORP	7,132.00			
291596	10/06/2020	PRINTED	103031 HALT FIRE INC	300.85			
291597	10/06/2020	PRINTED	103584 JOHN H HOLMES	200.00			
291598	10/06/2020	PRINTED	103639 HOLMES CUSTOM	61.80			
291599	10/06/2020	PRINTED	113542 INGRAM LIBRARY SERVICES	9.91			
291600	10/06/2020	PRINTED	121003 POWER PLAN	1,248.71			
291601	10/06/2020	PRINTED	143719 DAVID J KRAMER	240.00			

10/06/2020 12:59 | WATERFORD TOWNSHIP  
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| P 2  
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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
291602	10/06/2020	PRINTED	151011 LTM AUTO TRUCK AND TRAILER	3,631.52			
291603	10/06/2020	PRINTED	153240 LESLIE TIRE	25.00			
291604	10/06/2020	PRINTED	153367 LIBRARY NETWORK, THE	15,290.69			
291605	10/06/2020	PRINTED	161072 MAGNOLIA PARK HOA	45.00			
291606	10/06/2020	PRINTED	161570 MONTGOMERY & SONS INC	239.10			
291607	10/06/2020	PRINTED	161720 MOTOROLA	172.20			
291608	10/06/2020	PRINTED	163163 MCININCH MONUMENT	340.00			
291609	10/06/2020	PRINTED	163270 METCOM	143.66			
291610	10/06/2020	PRINTED	163485 PAULETTE MICHEL LOFTIN	393.00			
291611	10/06/2020	PRINTED	163508 FERGUSON WATERWORKS #3386	65.00			
291612	10/06/2020	PRINTED	163851 COLLEEN MURPHY	240.00			
291613	10/06/2020	PRINTED	164387 MIKES CLEARWATER HARVESTI	8,235.32			
291614	10/06/2020	PRINTED	183052 NAPA AUTO PARTS	593.92			
291615	10/06/2020	PRINTED	183269 SPRINT SOLUTIONS	9.30			
291616	10/06/2020	PRINTED	183952 NYE UNIFORM COMPANY	1,219.40			
291617	10/06/2020	PRINTED	193456 DOUGLAS K OLIVER	425.00			
291618	10/06/2020	PRINTED	193713 ORKIN, LLC	112.50			
291619	10/06/2020	PRINTED	204060 OAKLAND COUNTY ANIMAL CON	856.50			
291620	10/06/2020	PRINTED	204860 ROAD COMMISSION FOR	3,200.16			
291621	10/06/2020	PRINTED	211016 PLM LAKE & LAND MANAGEMEN	90.05			
291622	10/06/2020	PRINTED	213454 NANCY PLASTERER	1,218.00			
291623	10/06/2020	PRINTED	213608 SCOTT POWERS	278.00			
291624	10/06/2020	PRINTED	220133 JULIE GROSS	75.00			
291625	10/06/2020	PRINTED	227334 TERESA HENRY	70.00			
291626	10/06/2020	PRINTED	227601 NORTH OAKS CORVETTE CLUB	60.00			
291627	10/06/2020	PRINTED	241008 RKA PETROLEUM COMPANIES,	8,753.55			
291628	10/06/2020	PRINTED	243017 MATT RAY	240.00			
291629	10/06/2020	PRINTED	243206 RECORDED BOOKS LLC	202.01			
291630	10/06/2020	PRINTED	243224 STEVEN E RENO	240.00			
291631	10/06/2020	PRINTED	243645 LISA ROCHFORD	170.00			
291632	10/06/2020	PRINTED	251369 SCOTT SINTKOWSKI	120.00			
291633	10/06/2020	PRINTED	253293 HOWARD L SHIFMAN, P.C.	10,000.00			
291634	10/06/2020	PRINTED	253309 CAMILLA SHELDON	123.64			
291635	10/06/2020	PRINTED	253521 GRANT SMITH	200.00			
291636	10/06/2020	PRINTED	253568 SOLTIS PLASTICS CORP	141.36			
291637	10/06/2020	PRINTED	254826 STARR AUTO GLASS	485.00			
291638	10/06/2020	PRINTED	254862 LAW OFFICE OF STEPHEN STE	225.00			
291639	10/06/2020	PRINTED	263737 TRUGREEN	121.28			
291640	10/06/2020	PRINTED	271536 UPS STORE	190.85			
291641	10/06/2020	PRINTED	273533 UNIFIRST CORP	200.79			
291642	10/06/2020	PRINTED	273570 UNITED HEALTH CARE	97.49			
291643	10/06/2020	PRINTED	291365 PRAXAIR DISTRIBUTION INC	157.97			
291644	10/06/2020	PRINTED	293223 SANDRA WERTH	240.00			
291645	10/06/2020	PRINTED	293605 WORLDWIDE INTERPRETERS IN	140.00			
291646	10/06/2020	PRINTED	304930 WATERFORD TOWNSHIP DPW	1,006.39			
291647	10/06/2020	PRINTED	500427 TRI-TECH FORENSICS, INC	132.00			
			98 CHECKS	CASH ACCOUNT TOTAL	175,324.88		.00

*Kim Walker*  
10/6/20

Checks Already Mailed.  
 Sept 29 -> Oct 2

10/06/2020 13:00 | WATERFORD TOWNSHIP  
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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
291449	09/29/2020	PRINTED	011730 ARROW PRINTING	248.80			
291450	09/29/2020	PRINTED	013665 APOLLO FIRE EQUIPMENT CO	53.39			
291451	09/29/2020	PRINTED	013685 APPLIED IMAGING	239.55			
291452	09/29/2020	PRINTED	021380 BILLS PLBG & SEWER SERV I	808.73			
291453	09/29/2020	PRINTED	023488 BLUE CROSS BLUE SHIELD OF	242,586.36			
291454	09/29/2020	PRINTED	023602 BOUND TREE MEDICAL LLC	344.55			
291455	09/29/2020	PRINTED	023732 BRENDEL'S SEPTIC TANK SER	925.00			
291456	09/29/2020	PRINTED	030081 SUE KIERSEY	100.00			
291457	09/29/2020	PRINTED	030082 REESE HOME IMPROVEMENTS	100.00			
291458	09/29/2020	PRINTED	030083 GREGORY FORD	100.00			
291459	09/29/2020	PRINTED	030084 DAVID BERGHORN	100.00			
291460	09/29/2020	PRINTED	030085 PARO CONSTRUCTION LLC	100.00			
291461	09/29/2020	PRINTED	030086 MICHAEL BREEDING	100.00			
291462	09/29/2020	PRINTED	030087 WES LOZA	100.00			
291463	09/29/2020	PRINTED	030088 ANTHONY JAZZO	100.00			
291464	09/29/2020	PRINTED	030089 JEFFREY BOWERS	100.00			
291465	09/29/2020	PRINTED	030090 JOSEPH DIGIOVANNI	100.00			
291466	09/29/2020	PRINTED	030091 ELAINE GRIFFIN	100.00			
291467	09/29/2020	PRINTED	032685 MARK VOORHEIS	100.00			
291468	09/29/2020	PRINTED	032726 POWER HOME SOLAR	100.00			
291469	09/29/2020	PRINTED	034424 JAN SIGNS	100.00			
291470	09/29/2020	PRINTED	036526 KENNETH MOSES	100.00			
291471	09/29/2020	PRINTED	036618 MNC & ANC PROFESSIONAL SE	200.00			
291472	09/29/2020	PRINTED	039897 NATURE CRAFT CUSTOM BUILD	100.00			
291473	09/29/2020	PRINTED	039951 FOUNDATION SYSTEMS OF MIC	100.00			
291474	09/29/2020	PRINTED	041192 CDW GOVERNMENT INC	2,071.48			
291475	09/29/2020	PRINTED	041841 JUDITH CUNNINGHAM	89.75			
291476	09/29/2020	PRINTED	043364 AT&T MOBILITY	302.00			
291477	09/29/2020	PRINTED	043381 CITY OF PONTIAC	2,135.33			
291478	09/29/2020	PRINTED	043626 CONSUMERS ENERGY	486.77			
291479	09/29/2020	PRINTED	044064 CONTRACTORS FENCE & GATE	795.90			
291480	09/29/2020	PRINTED	051029 D'S TEES INC	950.00			
291481	09/29/2020	PRINTED	053253 DTE ENERGY	13,672.29			
291482	09/29/2020	PRINTED	053389 LUNGHAMER GMC INC	1,029.76			
291483	09/29/2020	PRINTED	053580 DOORS OF PONTIAC	136.00			
291484	09/29/2020	PRINTED	053867 DUBOIS CHEMICALS INC	250.00			
291485	09/29/2020	PRINTED	063021 EASTERN OIL CO	1,719.60			
291486	09/29/2020	PRINTED	063362 ELIZABETH LAKE ESTATES, L	2,880.00			
291487	09/29/2020	PRINTED	063488 EMERGENCY VEHICLES PLUS	433.76			
291488	09/29/2020	PRINTED	063941 EXCEL INDUSTRIAL ELECTRON	2,934.50			
291489	09/29/2020	PRINTED	073660 R GARTH PREUTHUN	100.00			
291490	09/29/2020	PRINTED	073729 MARIE C RUTTERBUSH	100.00			
291491	09/29/2020	PRINTED	081331 FIRST LINE TECHNOLOGY LLC	777.00			
291492	09/29/2020	PRINTED	093026 RICHARD GALAT	130.00			
291493	09/29/2020	PRINTED	093451 GLOBAL OFFICE SOLUTIONS	1,292.55			
291494	09/29/2020	PRINTED	093594 GOOSE BUSTERS	227.50			
291495	09/29/2020	PRINTED	093705 GRAINGER	172.80			
291496	09/29/2020	PRINTED	093823 GREEN MEADOWS LAWNSCAPE,	365.00			
291497	09/29/2020	PRINTED	093863 GREAT LAKES WATER AUTHORI	2,964.88			
291498	09/29/2020	PRINTED	101835 HUBBELL ROTH & CLARK INC	19,948.64			
291499	09/29/2020	PRINTED	103031 HALT FIRE INC	15,695.54			
291500	09/29/2020	PRINTED	103584 JOHN H HOLMES	300.00			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

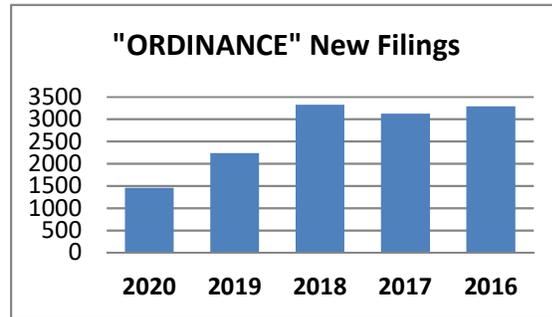
CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
291501	09/29/2020	PRINTED	121011 J&B MEDICAL SUPPLY	30.36			
291502	09/29/2020	PRINTED	121135 JC WATER TREATMENT INC	525.10			
291503	09/29/2020	PRINTED	123606 ROSATI, SCHULTZ, JOPPICH	8,728.68			
291504	09/29/2020	PRINTED	143019 MARSHA KOSMATKA	100.00			
291505	09/29/2020	PRINTED	143022 TODD KALUZNY	33.00			
291506	09/29/2020	PRINTED	143600 SCOTT C KOZAK	100.00			
291507	09/29/2020	PRINTED	143837 JASON KUCMIERZ	320.00			
291508	09/29/2020	PRINTED	153097 LAMPHERE'S TREE SERVICE	9,800.00			
291509	09/29/2020	PRINTED	163485 PAULETTE MICHEL LOFTIN	350.00			
291510	09/29/2020	PRINTED	163508 FERGUSON WATERWORKS #3386	5,521.48			
291511	09/29/2020	PRINTED	174044 MICHIGAN DEPT OF ENVIRONM	36.00			
291512	09/29/2020	PRINTED	174456 STATE OF MICHIGAN	100.00			
291513	09/29/2020	PRINTED	174636 STATE OF MICHIGAN	830.60			
291514	09/29/2020	PRINTED	183289 VERIZON CONNECT NWF INC	1,149.49			
291515	09/29/2020	PRINTED	183952 NYE UNIFORM COMPANY	1,000.40			
291516	09/29/2020	PRINTED	193010 OAKLAND FUELS INC	217.59			
291517	09/29/2020	PRINTED	193713 ORKIN, LLC	50.00			
291518	09/29/2020	PRINTED	204910 OAKLAND CNTY TREASURERS O	1,220.00			
291519	09/29/2020	PRINTED	211220 MCLAREN OAKLAND	100.00			
291520	09/29/2020	PRINTED	213052 MOVEMENT BY MARI ANN	507.50			
291521	09/29/2020	PRINTED	213211 PERCEPTIVE CONTROLS INC	55,832.50			
291522	09/29/2020	PRINTED	213366 PITNEY BOWES RESERVE ACCO	5,000.00			
291523	09/29/2020	PRINTED	213566 COFFEE BREAK INC	34.25			
291524	09/29/2020	PRINTED	213608 SCOTT POWERS	300.00			
291525	09/29/2020	PRINTED	220129 LARRY SPIECE	75.00			
291526	09/29/2020	PRINTED	220130 LISA NIEMAN	50.00			
291527	09/29/2020	PRINTED	226179 DEAN SCHANTZ	50.00			
291528	09/29/2020	PRINTED	243664 ROSE PEST SOLUTIONS	48.00			
291529	09/29/2020	PRINTED	251035 SAMS CLUB DIRECT	313.96			
291530	09/29/2020	PRINTED	253160 SCRAMLIN FEEDS	401.00			
291531	09/29/2020	PRINTED	253231 SECURITY DESIGN INC	125.00			
291532	09/29/2020	PRINTED	253687 STEVE SQUIER LLC	1,190.00			
291533	09/29/2020	PRINTED	254851 STANDARD INSURANCE COMPAN	6,576.07			
291534	09/29/2020	PRINTED	261702 TRINITY HEALTH	1,149.46			
291535	09/29/2020	PRINTED	263230 TALEVATION, LLC	319.20			
291536	09/29/2020	PRINTED	263255 TESTAMERICA LABORATORIES	286.80			
291537	09/29/2020	PRINTED	263785 TROY CLOGG LANDSCAPE ASSO	500.00			
291538	09/29/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	125.82			
291539	09/29/2020	PRINTED	271016 US BANK EQUIPMENT FINANCE	1,741.11			
291540	09/29/2020	PRINTED	273533 UNIFIRST CORP	571.52			
291541	09/29/2020	PRINTED	273763 US BANK	512,350.00			
291542	09/29/2020	PRINTED	281009 VGWF 405, LLC	2,931.00			
291543	09/29/2020	PRINTED	283247 VESCO OIL CORP	642.75			
291544	09/29/2020	PRINTED	293355 WILBUR WHITE JR	2,550.00			
291545	09/29/2020	PRINTED	293605 WORLDWIDE INTERPRETERS IN	140.00			
291546	09/29/2020	PRINTED	304930 WATERFORD TOWNSHIP DPW	77.95			
291547	09/29/2020	PRINTED	343203 ZALE PROPERTY MANAGEMENT	2,931.00			
291548	09/29/2020	PRINTED	500483 CSG FORTE PAYMENTS INC	510.00			
291549	09/29/2020	PRINTED	500625 LLOYD MILLERS & SONS	1,941.18			
			101 CHECKS	CASH ACCOUNT TOTAL	948,551.20	.00	

## 51st District Court August Filing Trends 2020-2016

### ORDINANCE NEW FILINGS by Year

AUG	2020	2019	2018	2017	2016
OM	104	126	174	218	152
OD	57	64	64	55	69
OI	864	1489	2120	2126	2425
OT	233	222	276	260	282
OK/ON	197	334	689	466	360
<b>TOTALS</b>	<b>1455</b>	<b>2235</b>	<b>3323</b>	<b>3125</b>	<b>3288</b>

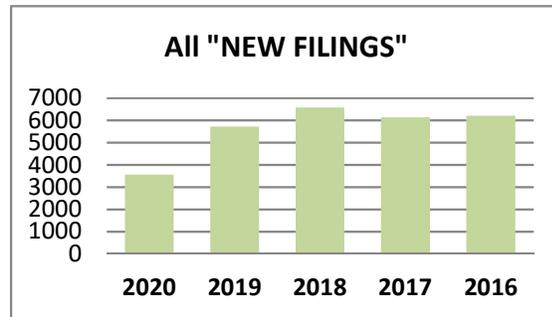
\*This graph only counts new ordinance ticket filings



### NEW FILINGS by Year

AUG	2020	2019	2018	2017	2016
Criminal	350	538	441	504	380
Traffic	1515	2305	2825	2818	3110
Non-Traffic	281	444	867	615	532
Civil	1412	2438	2453	2201	2188
<b>TOTALS</b>	<b>3558</b>	<b>5725</b>	<b>6586</b>	<b>6138</b>	<b>6210</b>

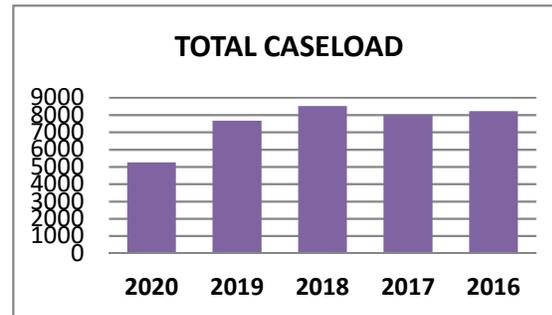
\*This graph depicts all new filings



### TOTAL CASELOAD by Year

AUG	2020	2019	2018	2017	2016
Criminal	600	905	798	878	715
Traffic	1959	2846	3458	3512	3960
Non-Traffic	335	528	977	699	623
Civil	2359	3389	3278	2923	2928
<b>TOTALS</b>	<b>5253</b>	<b>7668</b>	<b>8511</b>	<b>8012</b>	<b>8226</b>

\*This graph includes beginning pending cases, new filings and cases that have been reopened



**OM-** Ordinance Misdemeanor Criminal. All nontraffic misdemeanor offenses issues under local ordinance ex: Assault & Battery, Retail Fraud.

**OD-** Ordinance Misdemeanor Drunk Driving offenses issued under local ordinance.

**OI-** Ordinance Civil Infraction Traffic offenses issued under ordinance ex: Speeding, Fail to Yield.

**OT-** Ordinance Misdemeanor Traffic offenses issued under ordinance (except drunk driving) ex: Drove While License Suspended, No Operators License on Person.

**OK-** Ordinance Parking Citations

**ON-** Ordinance Nontraffic civil infractions ex: Storage & Building Violations

## Q1: Caseload & Financial Trend Analysis 2020-2016

### ORDINANCE NEW FILINGS (ONF)

Q1	2020	2019	2018	2017	2016
OM	37	39	53	71	48
OD	18	24	23	23	23
OI	495	556	841	820	1022
OT	93	97	114	105	115
OK/ON	102	100	209	187	144
<b>TOTALS</b>	<b>745</b>	<b>816</b>	<b>1240</b>	<b>1206</b>	<b>1352</b>

\*This graph depicts new ordinance filings only

### NEW FILINGS (NF)

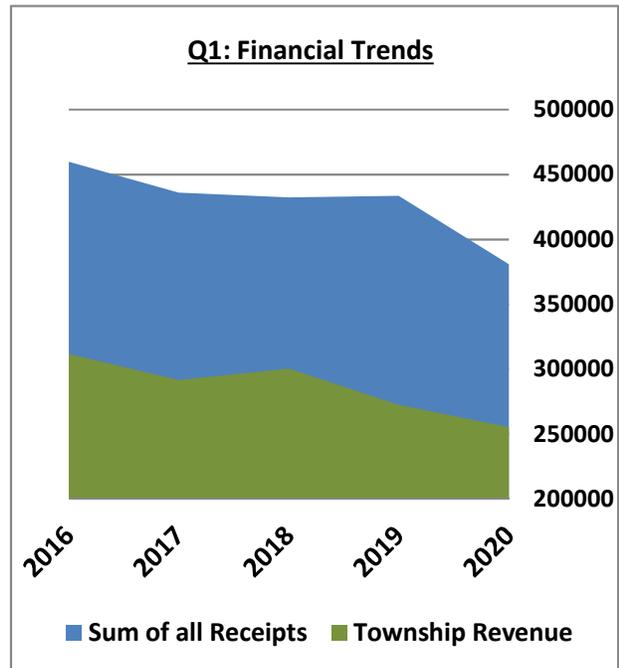
Q1	2020	2019	2018	2017	2016
Criminal	127	149	124	168	133
Traffic	772	821	1064	1086	1291
NT	117	106	218	195	146
Civil	897	957	904	765	811
<b>TOTALS</b>	<b>1913</b>	<b>2033</b>	<b>2310</b>	<b>2214</b>	<b>2381</b>

\*This graph depicts all new filings

### TOTAL CASELOAD (TC)

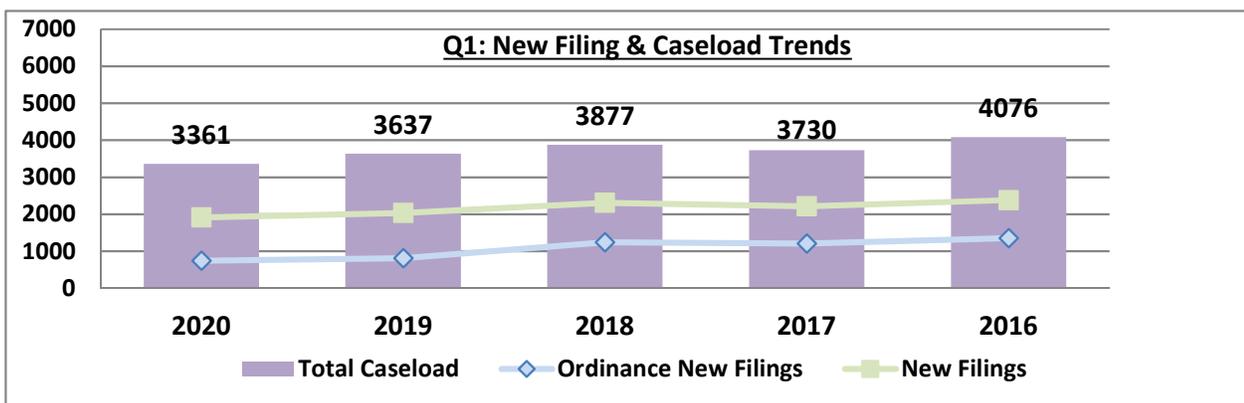
Q1	2020	2019	2018	2017	2016
Criminal	275	358	302	375	334
Traffic	1091	1202	1540	1626	1986
NT	162	182	317	268	225
Civil	1833	1895	1718	1461	1531
<b>TOTALS</b>	<b>3361</b>	<b>3637</b>	<b>3877</b>	<b>3730</b>	<b>4076</b>

\*This graph includes beginning pending cases, new filings and cases that have been reopened



Q1	Sum of all Receipts	Township Revenue
2020	\$380,709.67	\$255,261.76
2019	\$433,545.00	\$272,364.00
2018	\$432,220.33	\$300,457.97
2017	\$436,075.64	\$291,566.18
2016	\$459,917.99	\$311,650.56

Sum of all Receipts is the total amount of money the Court has received  
Township Revenue is money the Court has collected on behalf of its Funding Unit and has transmitted back to the Township

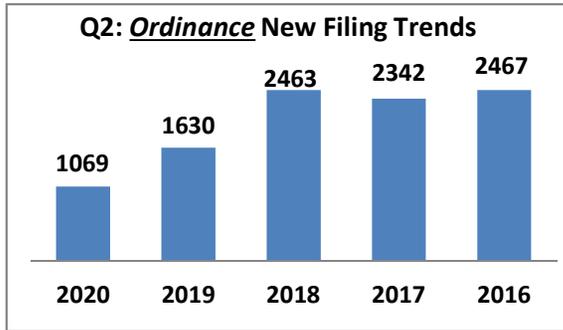


## Q2: Caseload & Financial Trend Analysis 2020-2016

### Q2: ORDINANCE NEW FILINGS by Year

	2020	2019	2018	2017	2016
OM	72	40	129	144	112
OD	33	47	53	40	49
OI	668	1134	1614	1636	1837
OT	175	174	216	198	213
OK/ON	121	235	451	324	256
<b>TOTALS</b>	<b>1069</b>	<b>1630</b>	<b>2463</b>	<b>2342</b>	<b>2467</b>

\*This graph reflects new ordinance (TWP) ticket filings



Q2	Sum of all Receipts	Township Revenue
2020	\$572,635.89	\$387,329.59
2019	\$882,247.16	\$543,264.42
2018	\$868,855.61	\$576,194.98
2017	\$855,722.46	\$560,271.17
2016	\$838,472.52	\$551,060.79

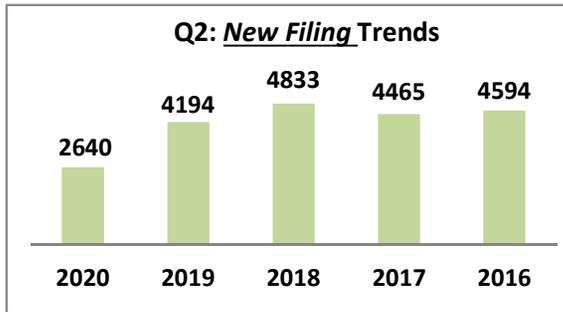
\*Sum of all Receipts is the total amount of money the Court has received

\* Township Revenue is money the Court has collected on behalf of its Funding Unit and has transmitted back to the Township

### Q2: NEW FILINGS by Year

	2020	2019	2018	2017	2016
Criminal	241	298	311	347	289
Traffic	1099	1752	2183	2150	2367
Non-Traffic	156	281	532	388	344
Civil	1144	1863	1807	1580	1594
<b>TOTALS</b>	<b>2640</b>	<b>4194</b>	<b>4833</b>	<b>4465</b>	<b>4594</b>

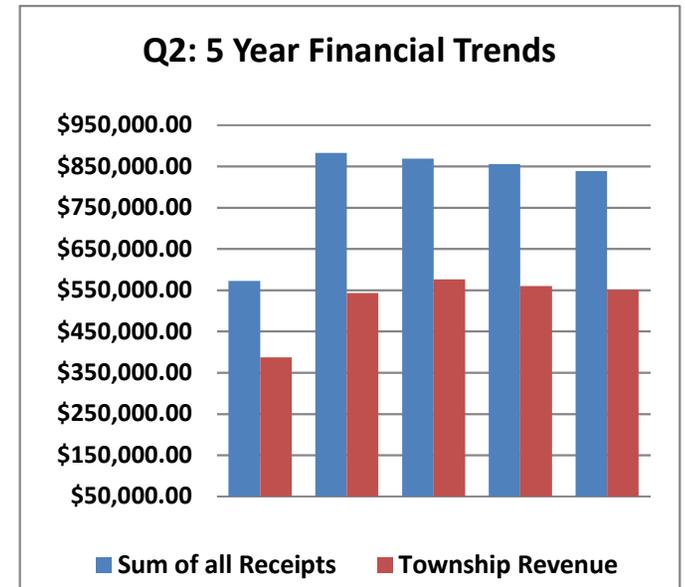
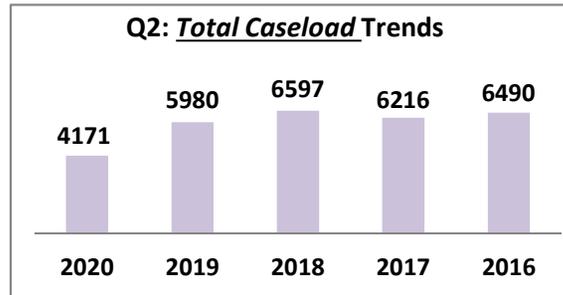
\*This graph depicts all new filings



### Q2: TOTAL CASELOAD by Year

	2020	2019	2018	2017	2016
Criminal	432	597	590	663	577
Traffic	1454	2215	2746	2791	3161
Non-Traffic	201	361	635	470	427
Civil	2084	2807	2626	2292	2325
<b>TOTALS</b>	<b>4171</b>	<b>5980</b>	<b>6597</b>	<b>6216</b>	<b>6490</b>

\*Includes beginning pending cases, new filings and cases that have been reopened



**OM-** Ordinance Misdemeanor Criminal. All nontraffic misdemeanor offenses issues under local ordinance ex: Retail Fraud, Disorderly Person, Assault & Battery.

**OD-** Ordinance Misdemeanor Drunk Driving offenses issued under local ordinance.

**OI-** Ordinance Civil Infraction Traffic offenses issued under ordinance ex: Speeding, Fail to Yield.

**OT-** Ordinance Misdemeanor Traffic offenses issued under ordinance (except drunk driving) ex: Drove While License Suspended, No Operators License on Person.

**OK-** Ordinance Parking Citations

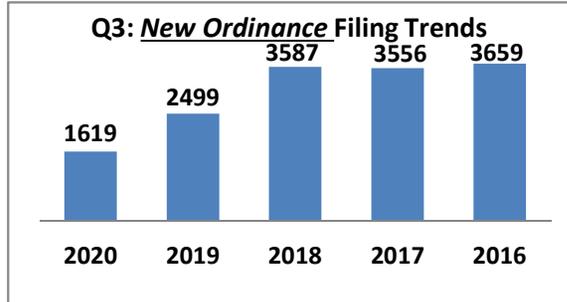
**ON-** Ordinance Nontraffic civil infractions ex: Storage & Building Violations

### Q3: 2020 Caseload & Financial Trend Analysis

#### ORDINANCE NEW FILINGS by Year

Q3	2020	2019	2018	2017	2016
OM	117	145	192	245	176
OD	64	72	72	66	77
OI	964	1660	2279	2415	2686
OT	259	245	305	305	316
OK/ON	215	377	739	525	404
<b>TOTALS</b>	<b>1619</b>	<b>2499</b>	<b>3587</b>	<b>3556</b>	<b>3659</b>

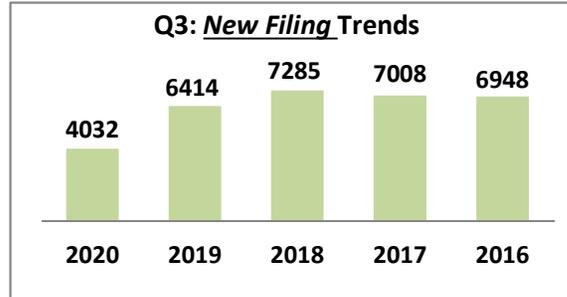
\*Depicts all new ordinance ticket filings



#### NEW FILINGS by Year

Q3	2020	2019	2018	2017	2016
Criminal	409	597	499	566	433
Traffic	1682	2550	3070	3201	3471
Non-Traffic	311	488	920	693	592
Civil	1630	2779	2796	2548	2452
<b>TOTALS</b>	<b>4032</b>	<b>6414</b>	<b>7285</b>	<b>7008</b>	<b>6948</b>

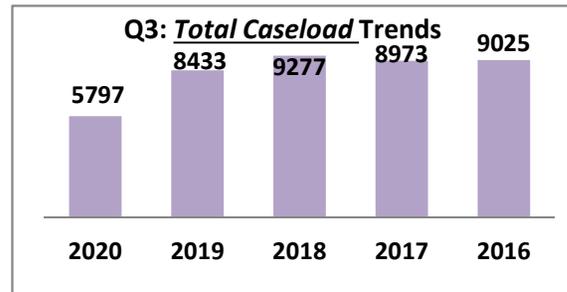
\*Depicts all new filings through September



#### TOTAL CASELOAD by Year

Q3	2020	2019	2018	2017	2016
Criminal	686	1000	891	987	800
Traffic	2161	3123	3730	3932	4347
Non-Traffic	371	575	1034	778	684
Civil	2579	3735	3622	3276	3194
<b>TOTALS</b>	<b>5797</b>	<b>8433</b>	<b>9277</b>	<b>8973</b>	<b>9025</b>

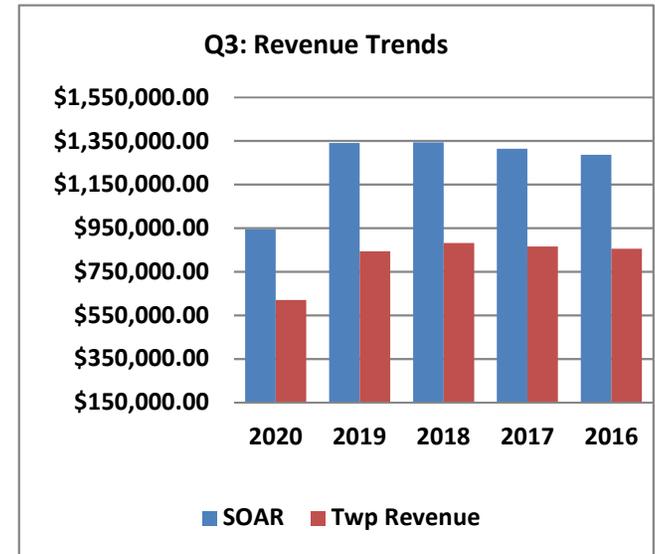
\*This graph includes beginning pending cases, new filings & cases that have been reopened through September



Q3	Sum of all Receipts	Township Revenue
2020	\$944,868.69	\$619,457.96
2019	\$1,340,629.60	\$843,044.01
2018	\$1,343,340.18	\$881,950.60
2017	\$1,313,467.22	\$865,284.64
2016	\$1,286,088.71	\$854,449.50

\*Sum of all Receipts is the total amount of money the Court has received

\*Township Revenue is money the Court has collected on behalf of its Funding Unit and has transmitted back to the Township



**OM-** Ordinance Misdemeanor Criminal. All nontraffic misdemeanor offenses issues under local ordinance ex: Retail Fraud

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**OI-** Ordinance Civil Infraction Traffic offenses issued under ordinance

**OT-** Ordinance Misdemeanor Traffic offenses issued under ordinance (except drunk driving) ex: Drove While License Suspended

**OK-** Ordinance Parking Citations / **ON-** Ordinance Nontraffic civil infractions ex: Storage Violation

# State of Michigan

51ST DISTRICT COURT

HON. RICHARD D. KUHN JR.  
CHIEF JUDGE

HON. TODD A. FOX  
CHIEF JUDGE PRO TEMPORE



JENNIFER E. THOM  
COURT ADMINISTRATOR

5100 CIVIC CENTER DRIVE  
WATERFORD, MICHIGAN 48329  
(248) 674-4655

## Memorandum

To: Gary Wall, Township Supervisor  
Margaret Birch, Treasurer  
Kimberly Markee, Clerk  
Anthony M. Bartolotta, Trustee  
Arthur Frasca, Trustee  
Karen Joliat, Trustee  
Steven Thomas, Trustee

From: Jennifer Thom, Court Administrator

Cc: Chief Judge Richard D. Kuhn, Jr.  
Judge Todd A. Fox  
Angela Reid, Chief Probation Officer  
Colleen Glodich, Supervisor of Court Operations  
Derek Diederich, Budget Director  
Barbara Miller, Assistant Budget Director

Re: FY 2021: Michigan Drug Court Program & Michigan Veterans Treatment Court Grant Award Notification

Date: October 6, 2020

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Thanks to the hard work and stellar grant writing abilities of our Chief Probation Officer Angie Reid, the Court is pleased to announce the State Court Administrative Office has awarded the 51<sup>st</sup> District Court \$96,049 in grant funding for the 2020 fiscal year which began 10/1/2020. This year's award notification was delayed due to COVID-19.

The Michigan Drug Court Grant funds are used to help curb the costs associated with substance abuse treatment, mental health counseling, drug and alcohol testing for participants in our treatment court programs. Our Sobriety Court Program was awarded \$53,000, and the Veterans Treatment Court Program received an award in the amount of \$43,049.

As in previous years, Michigan Veterans Treatment Court Grant funds will continue to be used to sponsor a part-time Veteran's Court Coordinator position for the program.

Should you have any questions, or require any additional information please feel free to contact me directly.



## Michigan Supreme Court

State Court Administrative Office  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909  
Phone (517) 373-0128

Thomas P. Boyd  
State Court Administrator

September 30, 2020

Honorable Richard D. Kuhn, Chief Judge/Drug Court Judge  
51st District Court  
5100 Civic Center Drive  
Waterford, MI 48329

Re: FY 2021 Michigan Drug Court Grant Program Award Notification  
51st District Court — Hybrid DWI/Drug Court  
UI: U10101

Dear Chief Judge Kuhn:

I am pleased to inform you that your court has been awarded a grant in the amount of \$53,000 from the Michigan Drug Court Grant Program administered by the State Court Administrative Office. This award is for the grant period October 1, 2020, through September 30, 2021.

Your court's fiscal year 2021 contract will be e-mailed from DocuSign to your project director, Angela Reid. Instructions for using DocuSign will be sent to both the Project Director and the Authorizing Official listed in your fiscal year 2021 grant application. Signed contracts are due December 11, 2020.

The budget, based on your court's actual award, should be updated in WebGrants by November 2, 2020. Instructions for revising your budget are attached to the message your project director will receive from WebGrants.

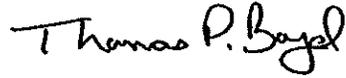
If you have any questions about the grant, please contact Andrew Smith at 517-373-0954 or at [smitha@courts.mi.gov](mailto:smitha@courts.mi.gov). For assistance in publicizing the success of your court, please contact John Nevin at 517-373-0129 or [nevinj@courts.mi.gov](mailto:nevinj@courts.mi.gov).

September 30, 2020

Page Two

Finally, you should know that the Michigan Supreme Court appreciates your effort and passion presiding over these life-saving courts. You and your treatment court team are to be commended for making a difference in so many lives.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Boyd". The signature is written in a cursive style with a large, stylized 'T' and 'B'.

Thomas P. Boyd  
State Court Administrator

cc: Honorable Todd A. Fox  
Andrew Smith, Problem-Solving Courts Manager  
Jennifer Phillips, SCAO Region VI Administrator  
Jennifer Thom, Court Administrator  
Angela Reid, Project Director



## Michigan Supreme Court

State Court Administrative Office  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909  
Phone (517) 373-0128

Thomas P. Boyd  
State Court Administrator

September 30, 2020

Honorable Richard D. Kuhn, Chief Judge/Veterans Treatment Court Judge  
51st District Court  
5100 Civic Center Drive  
Waterford, MI 48329

Re: FY 2021 Michigan Veterans Treatment Court Grant Program Award Notification  
51st District Court — Veterans Treatment Court  
UI: U30023

Dear Chief Judge Kuhn:

I am pleased to inform you that your court has been awarded a grant in the amount of \$43,049 from the Michigan Veterans Treatment Court Grant Program administered by the State Court Administrative Office. This award is for the grant period October 1, 2020, through September 30, 2021.

Your court's fiscal year 2021 contract will be e-mailed from DocuSign to your project director, Angie Reid. Instructions for using DocuSign will be sent to both the Project Director and the Authorizing Official listed in your fiscal year 2021 grant application. Signed contracts are due December 11, 2020.

The budget, based on your court's actual award, should be updated in WebGrants by November 2, 2020. Instructions for revising your budget are attached to the message your project director will receive from WebGrants.

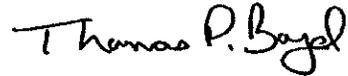
If you have any questions about the grant, please contact Andrew Smith at 517-373-0954 or at [smitha@courts.mi.gov](mailto:smitha@courts.mi.gov). For assistance in publicizing the success of your court, please contact John Nevin at 517-373-0129 or [nevinj@courts.mi.gov](mailto:nevinj@courts.mi.gov).

September 30, 2020

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Sincerely,

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Thomas P. Boyd  
State Court Administrator

cc: Honorable Kelley Kostin  
Honorable Cynthia Walker  
Andrew Smith, Problem-Solving Courts Manager  
Jennifer Phillips, SCAO Region VI Administrator  
Jennifer Thom, Court Administrator  
Angie Reid, Project Director

# WATERFORD TOWNSHIP PUBLIC LIBRARY

Director's Report – August 2020

## FROM THE DIRECTOR

Our staff spent this month preparing for Phase 3 of our process to re-start onsite services in early September. The modifications to the Circulation Lobby are complete which will facilitate setting it up to accommodate social distancing requirements. Libraries in the state are included in EO 2020-161, Section 6 that sets out the parameters for retail establishments. Key elements for us to follow are regulating entry, capacity limited to 25% of maximum and clearly marked social distancing signs. Our gradual approach to reopening begins with limited access: Circulation Lobby and Family Restroom only. The capacity limit for this space is 10 persons, including staff. New service hours will be

- 10:00a-10:30a Monday – Thursday for Vulnerable Visitors, e.g. pregnant women, ages 60+, chronic health conditions
- 10:30a-9:00p Monday – Thursday Monday and 10:00a – 5:00p Saturday for General Public
- Closed Sundays for the duration of COVID-19 protocols

NOTE: Curbside Pick-up service will continue:

- 11:00a-6:00p Monday through Thursday
- 12:00p-5:00p Saturday

Inside, there will be 2 tables for our librarians to provide reference service, 1 at Children's Services and 1 at Adults/Teens Services. The book stack areas will be closed at the outset. Our librarians will pull materials from the stacks for patrons to checkout. There will be 3 public access Internet workstations available. Patrons can schedule sessions (45 minutes each) online or by phone. Walk-ins are discouraged as it will be unlikely that a computer will be available without an appointment.

We will have a small browsing collection of new books in this space. Patrons can pick up holds here as well. This allows us to expand the hours that patrons can pick up materials beyond the times Curbside Pick-up is available.

Other services include photocopying and mobile printing. Mobile printing service allows you to print from your laptop or mobile device from anywhere in the world. Using a computer or mobile device with access to the Internet, the user emails the print job to our printer. Then the user visits the library to open the print order and print the document sent.

NOTE: Use statistics in this report reflect the following

- Visits, In-Library - contacts to Circulation Staff resolving patron account issues over the phone and counts of patrons served at Curbside Pick-up

- Programs – primarily virtual through Facebook or held outside the library or on Civic Center campus
- Reference transactions – phone and email queries handled by librarians
- Meeting room bookings – suspended while space has been reallocated to quarantine returned materials and processing interlibrary loans

## SERVICE UPDATES

The following Service Updates are highlights by our department heads of activities their staff have been involved in this month.

### *Adults', Outreach, & Teens' Services*

*Submitted by J. Hansen, Head of Adults' & Outreach Services*

The number of patron phone calls and emails increased a bit this month over July. At the end of the month we introduced a new service called Library Grab Bags. Many other public libraries are also doing this. Person submits an online request form for a bag with a semi-random selection of books and/or DVDs selected for them by the librarians according to general categories they have chosen on the form. We had four requests in only the last few days of August.

We also tested a chat service to make this available to the public from our website. After a successful outcome this is scheduled to begin by September 1<sup>st</sup>.

I investigated the online services from Brainfuse called HelpNow, an online tutoring service for students, and JobNow, online help for job searchers. Our subscription to this service begins September 1<sup>st</sup>.

I ordered a new battery for our portable sound system and Andrew and I changed the old dead battery for the new one (a rather complicated task).

Outreach circulation detail		Home or Mini-Branch Visits with Materials	
Materials delivered to homes	255	Homebound Visits	39
Materials used at mini-branches	165	Senior sites: Inn at Cass Lake	1
NOTE: No count from Whispering Woods yet.			
<b>TOTAL</b>	<b>420</b>	<b>TOTAL</b>	<b>40</b>

### *Children's Services*

*Submitted by C. Walker, Head of Children's Services & Page Supervisor*

By August, the staff were in settling into new routines. Several librarians moved to new locations within the library to create more space in the staff workroom to accommodate social distancing.

It was the last full month of our summer reading program, although students have until September 7 to contact us in order to be entered into our summer reading drawing. Sixty-six (66) students signed up

through Wandoo Reader; 32 students logged over 12,632 minutes collectively. Twenty-two students followed up with us and collected their free book and coupons to Rainforest Café, Culver's, and Zap Zone. Book lists were posted on our website from which families could choose their books. Prizes were distributed through our curbside service.

For our 1,000 Books Before Kindergarten Program, 22 books were earned by children reaching reading goals in 100 book increments. Four children finished their 1,000 book goal. Prizes were picked up through our curbside service.

The Great Start Collaborative Program of Oakland County had money from their Enhanced Storytime program to spend. We were only able to complete 12 out of 24 of these storytimes last winter. So, the GSC gave us 50 activity and literacy kits to give away to our patrons. Twenty-five of the kits were for preschoolers, and 25 were for toddlers. We did a post on our Facebook page about the kits, and they were all claimed within two days.

### *Circulation Services*

*Submitted by J. Deahl, Circulation Services Coordinator*

On Monday, August 10, 2020 MeLCat reengaged.

The operating hours of curbside service expanded on Saturday, August 15. Patrons can now pick up material Monday - Thursday from 11:00 AM to 6:00 PM and Saturday from Noon to 5:00 PM.

Towards the end of the month, we added an online library card application to our website.

Inventory resumed with the J600s and juvenile paperbacks.

Though overdue fees continue to be suspended at this time, it was discovered that if a patron renews overdue material through the online catalog the appropriate overdue fee is assessed to their account. Unfortunately, there is no way to prevent this from happening, so I will be periodically asking The Library Network (TLN) to purge any overdue fees that have incurred while overdue fees are suspended.

The automated Coming Due and LOST notices were reinstated. These are reminders to patrons of coming due dates and items that have been overdue long enough to be flagged as lost and assess a replacement cost for the item.

### **DONATIONS**

Total    \$ 0

PROGRAMS IN THE LIBRARY AND OFF-SITE

<b>PROGRAM</b>	<b>PARTICIPANTS</b>
<b>ADULTS</b>	
Weekly Knitting Group (3 sessions)	31
Library Garden Club – maintaining the gardens at our entrance	11
Poetry Writers Workshop (outdoors)	5
<b>SUBTOTAL</b>	<b>47</b>
<b>TEENS</b>	
No programs this month	0
<b>SUBTOTAL</b>	<b>0</b>
<b>CHILDREN</b>	
Summer Reading wrap up 32 Students logged a total of 12,632 minutes of reading this summer	62
<b>SUBTOTAL</b>	<b>62</b>
<b>TOTAL PROGRAM PARTICIPATION</b>	<b>109</b>
Facebook engagements on Children’s posts, including virtual storytimes	1,119

<b>2020 STATISTICAL SUMMARY</b>				
		<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>ANNUAL</b>				
<b>CARDHOLDERS</b>		<b>FINAL</b>	<b>FINAL</b>	<b>YTD</b>
	TOTAL	22,655	20,503	20,152
	NEW	2,781	2,762	799
	% RESIDENTS	31%	28%	28%
<b>COLLECTION</b>				
	TOTAL	531,523	858,349	171,145
<i>NOTE: 2020 Hoopla statistics based on items</i>	eCONTENT	374,144	738,192	50,955
<i>circulated not holdings in their database</i>	% eCONTENT	70%	86%	30%
<b>MONTHLY - AUGUST</b>				
<b>TOTAL SERVICE HOURS</b>		260	255	239
<b>VISITS</b>				
	TOTAL	41,257	41,503	34,680
	IN-LIBRARY	15,127	15,186	1,617
	AVG/DAY	488	490	52
	REMOTE	26,130	26,317	33,063
<b>CHECKOUT TRANSACTIONS</b>				
	TOTAL	25,873	23,042	12,307
	eCONTENT	4,226	5,026	6,175
	% eCONTENT	16%	22%	50%
<b>INTERLIBRARY LOAN</b>				
	SENT	2,166	2,213	1,499
	RECEIVED	2,785	2,995	2,930
<b>NET LENDER / (NET BORROWER)</b>	NET	(619)	(782)	(1,431)
<b>REFERENCE TRANSACTIONS</b>				
	TOTAL	2,060	2,040	499
	AVG/HOUR	8	8	2
<b>TOTAL MEETING ROOM BOOKINGS</b>				
(2018 Count does not include				
Assisted Study & Group Study rooms)	TOTAL HOURS	201	401	0

GARY L. DOVRE  
gdovre@rsjalaw.com

27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

October 8, 2020

Board of Trustees  
Charter Township of Waterford  
5200 Civic Center Drive  
Waterford, MI 48329

RE: Proposed Medical Marihuana Text Amendments to Zoning Ordinance

Dear Township Board Members:

Attached to this letter are the following documents for this item:

1. The first version of this Ordinance that was on file with the Development Services Department pursuant to the published Notice of the Planning Commission's 9/29/2020 Public Hearing (marked as Version 1.)
2. An updated version of the Ordinance that I provided to the Planning Commission on 9/24/2020 for its 9/29/2020 Public Hearing (marked as Version 2.)
3. My 9/24/2020 email to the Planning Commission, explaining the differences between Versions 1 and 2 of the Ordinance.
4. A Draft of the Planning Commission's unapproved Minutes for its 9/29/2020 meeting that includes a summary of the public comments on the Ordinance at the Public Hearing and the Planning Commission's recommendation to you as required by MCL 125.3308.

Upon reviewing the Planning Commission's Minutes, you will see that it has recommended that you adopt Version 2 of the Ordinance. MCL 125.3401(5) allows you to adopt a zoning ordinance upon which the Planning Commission held its Public Hearing, with or without amendments. Based on that authority, it is my opinion that you could adopt the updated version of the Ordinance (Version 2) as recommended by the Planning Commission.

With the above background, these Medical Marihuana Text Amendments to Zoning Ordinance are presented for possible introduction at your October 13, 2020 meeting. These Amendments are a companion Ordinance to the Medical Marihuana Facility Licensing Ordinance that is also on your Agenda for introduction.

One of the threshold/minimum requirements under that Licensing Ordinance is that the type of license applied for must be a permitted use in the Zoning District in which the proposed facility would be located. This Zoning Ordinance Amendment would establish the Districts in which each of the five (5) types of licenses (Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secured Transporters) would be permitted. It also addresses primary caregivers under the Medical Marihuana Act, allowing up to 6 of them at a single location in the Industrial

and Summit Overlay Districts, and confirms that a single primary caregiver in a detached dwelling would be permitted as a Home Occupation provided other specified requirements were met.

In addition to confirming the Districts in which the various types of medical marihuana uses are permitted by amending the lists of uses in those Districts (See Sections 4 through 13 on pages 8 – 11 of Version 2), this Ordinance would add a new Section 2-604 to the Zoning Ordinance. As stated in the Purpose and Intent for that Section:

The purpose and intent of this Section is to summarize where medical marihuana uses, as defined in Section 1-007 under Medical Marihuana Uses and Defined Terms, may be located under this Ordinance and establish approval procedures and regulations that must be complied with for a medical marihuana use to be allowed as a permitted use.

The procedures and use regulations in Section 2-604 were developed in collaboration with Mr. Polkowski. A common theme you will find in the Use Regulations in Section 2-604.4 is that to be a permitted use for purposes of the Zoning Ordinance, the property must be in compliance with any Township Board approved license.

If the Board has introduced the Licensing Ordinance, it also needs to amend the Zoning Ordinance to establish the Districts where medical marihuana uses are permitted. If you want to follow the Planning Commission's recommendation, the appropriate motion would be:

Motion to introduce Version 2 of the Medical Marihuana Text Amendments to Zoning Ordinance as recommended by the Planning Commission and schedule those for possible adoption on October 26, 2020.

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Gary L. Dovre

GLD/jah  
Enclosures

cc: Jeff Polkowski

**VERSION 1 THAT WAS ON FILE WITH DEVELOPMENT SERVICES PER NOTICE  
OF PLANNING COMMISSION 9/29/2020 PUBLIC HEARING**

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2020-Z- \_\_\_\_\_

**MEDICAL MARIHUANA TEXT AMENDMENTS TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to add definitions, land use regulations, conditions, and approval and fee requirements to allow and reasonably regulate licensed medical marihuana facilities and registered primary caregiver uses consistent with state laws.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended to add new defined terms to read as follows:

**MEDICAL MARIHUANA USES AND DEFINED TERMS.**

**Licensed Medical Marihuana Grower.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center or another grower as medical marihuana only.

**Licensed Medical Marihuana Processor.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer as medical marihuana only in packaged form to a provisioning center or another processor.

**Licensed Medical Marihuana Provisioning Center.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that purchases marihuana from a grower or processor and sells, supplies, or provides medical marihuana to qualifying patients, directly or through the patients' primary caregivers, and includes any location where marihuana is sold at retail only to qualifying patients or primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the registration process under the MMMA is not a provisioning center under this Ordinance.

**Licensed Medical Marihuana Safety Compliance Facility.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that takes medical marihuana from a facility or receives it from a registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility or primary caregiver.

**Licensed Medical Marihuana Secure Transporter** means a facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that stores and transports medical marihuana between facilities for a fee.

**Marihuana.** As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

**Medical Marihuana.** Marihuana and marihuana-infused products to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Medical Marihuana Facility.** A specific location that has and is in compliance with medical marihuana state and township licenses to operate as a medical marihuana grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Medical Marihuana Primary Caregiver.** A primary caregiver as defined in, who has been issued a current registry identification card under, and is in compliance with, the MMMA and MMMA Rules.

**Medical Marihuana Qualifying Patient.** A qualifying patient as defined in and who has been issued a current registry identification card under, or a visiting qualifying patient as defined in, the MMMA.

**Medical Marihuana State License.** A license issued under the MMFLA allowing a person to operate as a medical marihuana grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Medical Marihuana Township License.** A license issued by the Township under the Medical Marihuana Facility Licensing Ordinance codified in Division 12 of Article III in Chapter 10 of the Waterford Charter Township Code.

**Medical Use of Marihuana.** Acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of medical marihuana by a medical marihuana primary caregiver for that caregiver and up to five (5) medical marihuana qualifying patients.

**MMFLA.** The Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016,

MCL 333.27101 et seq.

**MMFLA Rules.** The administrative rules promulgated to implement the MMFLA, R 333.201 et. seq.

**MMMA.** The Michigan Medical Marihuana Act, 2008 IL, MCL 333.26421 et seq.

**MMMA Rules.** The administrative rules promulgated under the MMMA, R 333.101 et. Seq.

**Tracking Act.** The Michigan Marihuana Tracking Act, Public Act 282 of 2016, MCL 333.27901 et seq.

### **Section 2 of Ordinance**

The definition of Home Occupation in Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended by adding a new subsection J, to read in its entirety as follows:

**HOME OCCUPATION.** An accessory use which is:

- A. clearly incidental and secondary to the use of the dwelling for residential purposes;
- B. undertaken, completed, and managed solely by the current residents without employees;
- C. conducted entirely within the dwelling, with no exterior storage of equipment, materials, or refuse resulting from the operation of the home occupation;
- D. conducted in conformance with the residential character and appearance of dwellings and zoning lots in the surrounding neighborhood and does not utilize colors, materials, internal or external alterations, lighting, show windows or advertising visible outside of the premises to attract customers or clients;
- E. conducted without equipment and processes which create public nuisances or private nuisances to abutting or adjoining occupiers of land with respect to traffic, parking, noise, vibration, glare, fumes, odors, dust, electrical interference detectable to the normal senses off of the zoning lot, or visible or audible interferences in any radio or television receivers off of the premises;
- F. limited to an area of a dwelling's gross floor area not exceeding twenty (20) percent;
- G. limited to signage permitted in residential districts in accordance with this Zoning Ordinance;
- H. prohibited from the sale and physical exchange of commodities on the premises, except such as produced by such occupation; and
- I. prohibited from generating traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met on the driveway.
- J. not a medical marihuana primary caregiver use unless that use:**
  - (1) Is in a detached single-family dwelling or a stand-alone mobile home dwelling;
  - (2) Is the only primary caregiver use of that dwelling;
  - (3) Has received and is in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township

Code and certificates of zoning approval and occupancy for such use under this Ordinance;

(4) Is inspected by the Township Fire Department and determined to be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance; and

(5) Equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

Such uses as a clinic, hospital, animal hospital, kennel, millinery shop, and dancing school shall not be deemed to be home occupations. Personal grooming establishments shall not be deemed to be home occupations, but home haircutting provided occasionally to a clientele limited to friends and family of a permanent resident of the dwelling in which the services are being provided is a home occupation.

### **Section 3 of Ordinance**

A new Section 2-604, Regulations for Medical Marihuana Uses, is added in Division 2-6, Use Restrictions Applicable to all Zoning Districts, to read as follows:

#### **SECTION 2-604. REGULATIONS FOR MEDICAL MARIHUANA USES**

**1. Purpose and Intent.** The purpose and intent of this Section is to summarize where medical marihuana uses, as defined in Section 1-007, may be located under this Ordinance and establish approval procedures and regulations that must be complied with for a medical marihuana use to be allowed as a permitted use.

**2. Approval Procedures, Conditions, Fees.**

A. All medical marihuana uses must be approved under the site plan review procedures and requirements in Section 4-004. A single medical marihuana primary caregiver's accessory use of a dwelling as an accessory use home occupation shall be reviewed under the Change of Use site plan review process in Section 4-004.1. All other proposed uses shall require major site plan review based on the criteria in Section 4-004.3.

B. Compliance with all regulations in this Section and the Section of this Ordinance that permits the proposed medical marihuana use shall be shown on the site plan or otherwise documented in the site plan approval application, with such compliance to be a condition of every certificate of zoning approval or occupancy and every permit issued by the Township for that use.

C. The regulations in this Section and the Section of this Ordinance that permits a proposed medical marihuana use are regulations related to the use of land, from which variances may not be granted.

D. In addition to the fees that apply to site plan review, if to demonstrate compliance

with the regulations in this Section or the Section of this Ordinance that permits a proposed medical marihuana use, a review or inspection by a Township employee or official is necessary before the site plan application can be completed, the applicant shall also pay the fees associated with that review or inspection in the amount established by resolution of the Township Board.

**3. Medical Marihuana Primary Caregivers.**

A. A single medical marihuana primary caregiver may engage in the medical use of marihuana in the caregiver's residence dwelling as an accessory use if in compliance with all of the standards for a Home Occupation as defined in Section 1-007, which include the following regulations for a medical marihuana primary caregiver:

- (1) Is in a detached single-family dwelling or a stand-alone mobile home dwelling;
- (2) Is the only primary caregiver use of that dwelling;
- (3) Has received and is in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance;
- (4) Is inspected by the Township Fire Department and determined to be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code; and
- (5) Equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

B. Up to six (6) medical marihuana primary caregivers may engage in the medical use of marihuana on a zoning lot in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts after wellhead protection compliance as provided in Sections 3-806.4.I, 3-807.4.J, and 3-709.3.D(6) of this Ordinance if the following regulations are complied with:

- (1) No smoking, inhalation, or consumption of marihuana shall take place on the premises.
- (2) No product visible from the exterior of the building.
- (3) Outdoor storage shall be prohibited.
- (4) An operations statement shall be submitted that describes, but is not limited to, the life-cycle of marihuana and marihuana-infused products entering stored on, grown, dried, and leaving on site. This may include how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, or other pertinent information.
- (5) All activities shall be conducted indoors.

- (6) A detailed safety and security plan that addresses marihuana, customers, employees, and neighboring residents, offices, or businesses must be submitted.
- (7) A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed for the number of primary caregivers.
- (8) Selling of any non-marihuana products is prohibited.
- (9) Restricted area and access area must be properly marked.
- (10) The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- (11) Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

**4. Licensed Medical Marihuana Growers.** Licensed medical marihuana growers are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.H, 3-807.4.I, and 3-709.3.D(5) of this Ordinance if the following regulations are complied with:

- A. No smoking, inhalation, or consumption of marihuana shall take place on the premises.
- B. No product visible from the exterior of the building.
- C. Outdoor storage shall be prohibited.
- D. An operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted and complied with.
- E. All activities shall be conducted indoors.
- F. A detailed safety and security plan that addresses marihuana, employees, and neighboring residents, offices, or businesses must be submitted.
- G. A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class.
- H. Retail sales are prohibited.
- I. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- J. Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

**5. Licensed Medical Marihuana Processors.** Licensed medical marihuana processors are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and

Summit Place Overlay Districts as provided in Sections 3-806.4.H, 3-807.4.I, and 3-709.3.D(5) of this Ordinance if the following regulations are complied with:

- A. No smoking, inhalation, or consumption of marihuana shall take place on the premises.
- B. No product visible from the exterior of the building.
- C. Outdoor storage shall be prohibited.
- D. An operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, processed, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted and complied with.
- E. All activities shall be conducted indoors.
- F. A water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater to be generated in the processing operations.
- G. Retail sales are prohibited.
- H. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- I. Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

**6. Licensed Medical Marihuana Provisioning Centers.** Licensed medical marihuana provisioning centers are permitted on zoning lots in the C-3, General Business, C-4, Extensive Business, and Summit Place Overlay Districts as provided in Sections 3-705.3.Q, 3-706.3.W, and 3-709.3. of this Ordinance if the following regulations are complied with:

- A. No smoking, inhalation, or consumption of marihuana shall take place on the premises.
- B. No product visible from the exterior of the building.
- C. Outdoor storage shall be prohibited.
- D. An operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted and complied with.
- E. All activities shall be conducted indoors.
- F. A detailed safety and security plan that addresses marihuana, customers, employees, and neighboring residents, offices, or businesses must be submitted.
- G. Selling of any non-marihuana products is prohibited.
- H. Restricted area and access area must be properly marked.
- I. Marihuana drive through provisioning centers shall be prohibited.
- J. Business is not to offer any free products.
- K. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-702, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- L. Conformity to the applicable provisions of the Engineering Standards and Site

Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

- 7. Licensed Medical Marihuana Safety Compliance Facilities.** Licensed medical marihuana safety compliance facilities are permitted on zoning lots in the HT-1, High Tech Office, HT-2, High Tech Industrial and Office, M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-804.3.I, 3-805.3.I, 3-806.3.H, 3-807.3.E, and 3-709.3.D(4) of this Ordinance if the following regulations are complied with:
- A. No smoking, inhalation, or consumption of marihuana shall take place on the premises.
  - B. No product visible from the exterior of the building.
  - C. Outdoor storage shall be prohibited.
  - D. An operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted and complied with.
  - E. All activities shall be conducted indoors.
  - F. Retail sales are prohibited.
  - G. A detailed safety and security plan that addresses marihuana, employees, and neighboring residents, offices, or businesses must be submitted.
  - H. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
  - I. Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

- 8. Licensed Medical Marihuana Secure Transporters.** Licensed medical marihuana secure transporters are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.3.H, 3-807.3.E, and 3-709.3.D(4) of this Ordinance if the following regulations are complied with:
- A. No smoking, inhalation, or consumption of marihuana shall take place on the premises.
  - B. No product visible from the exterior of the building.
  - C. Outdoor storage, other than transportation vehicles, shall be prohibited.
  - D. An operations statement that describes the life-cycle of marihuana and marihuana-infused products received, stored, transported, and delivered, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted and complied with.
  - E. A detailed safety and security plan that addresses marihuana, employees, and neighboring residents, offices, or businesses must be submitted.
  - F. Retail sales are prohibited.
  - G. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
  - H. Conformity to the applicable provisions of the Engineering Standards and Site

Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

**Section 4 of Ordinance**

Section 3-705.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-3, General Business District, is amended to add a new subsection Q to read as follows:

- Q. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 5 of Ordinance**

Section 3-706.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-4, Extensive Business District, is amended to add a new subsection W to read as follows:

- W. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 6 of Ordinance**

Section 3-709.3.D of the Waterford Township Zoning Ordinance, that identifies the uses permitted in the M-1, Light Industrial District that are permitted principal uses in the Summit Place Overlay Zoning District, is amended to read as follows:

- D. The following permitted principal uses and permitted uses after wellhead protection compliance that are listed in Sections 3-806.3 and 3-806.4 as allowed in the M-1 District:
  - (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
  - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.
  - (3) Outdoor storage as an accessory use for freight handling facilities permitted under subsection D (1), with no requirement that such storage be located to the rear of the principal building, but subject to the following:
    - (a) The outdoor storage is in trailers parked in designated trailer parking spaces or truck docks on the site.
    - (b) The outdoor storage is temporary, with stored items to be in the trailer that was or will be used to transport those items to or from the site.

(c) The outdoor storage shall not be located in a yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, Summit Drive, or an adjacent existing residential use.

(d) No truck shall be stored on the site for more than 15 consecutive days.

(4) Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604.

(5) Licensed medical marihuana growers and licensed medical marihuana processors after wellhead protection compliance and that comply with the applicable regulations in Section 2-604.

(6) Up to six (6) medical marihuana primary caregivers after wellhead protection compliance and compliance with all of the following conditions for the use, from which variances may not be granted:

(a) All caregiver use and operations shall be in a fully enclosed building.

(b) Each caregiver use area must be physically separated by walls or floors/ceilings from other caregiver use areas, with no doors, windows, or other openings between caregiver use areas.

(c) Each caregiver area shall be locked at all times it is not being used by the primary caregiver and access to each caregiver use area shall only be by the primary caregiver, who shall be the only person with the key or combination for the lock.

(d) Each caregiver area shall have received and be in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance.

(e) Each caregiver area shall be inspected by the Township Fire Department and be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code.

(f) Each caregiver area shall be equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

(g) The applicable regulations in Section 2-604.

### **Section 7 of Ordinance**

Section 3-804.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the HT-1, High Tech Office District, is amended to add a new subsection I to read as follows:

- I. Licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

#### **Section 8 of Ordinance**

Section 3-805.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the HT-2, High Tech Industrial and Office District, is amended to add a new subsection I to read as follows:

- I. Licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

#### **Section 9 of Ordinance**

Section 3-806.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the M-1, Light Industrial District, is amended to add a new subsection H to read as follows:

- H. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

#### **Section 10 of Ordinance**

Section 3-806.4 of the Waterford Township Zoning Ordinance, that lists permitted uses after wellhead protection compliance in the M-1, Light Industrial District, is amended to add new subsections H and I to read as follows:

- H. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).
- I. Up to six (6) medical marihuana primary caregivers (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*), if in compliance with all of the following conditions for the use, from which variances may not be granted:
  - (1) All caregiver use and operations shall be in a fully enclosed building.
  - (2) Each caregiver use area must be physically separated by walls or floors/ceilings from other caregiver use areas, with no doors, windows, or other openings between caregiver use areas.
  - (3) Each caregiver area shall be locked at all times it is not being used by the primary caregiver and access to each caregiver use area shall only be by the primary caregiver, who shall be the only person with the key or combination for the lock.

- (4) Each caregiver area shall have received and be in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance.
- (5) Each caregiver area shall be inspected by the Township Fire Department and be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code..
- (6) Each caregiver area shall be equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.
- (7) The applicable regulations in Section 2-604.

#### **Section 11 of Ordinance**

Section 3-807.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the M-2, General Industrial District, is amended to add a new subsection E to read as follows:

- E. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

#### **Section 12 of Ordinance**

Section 3-807.4 of the Waterford Township Zoning Ordinance, that lists permitted uses after wellhead protection compliance in the M-2, General Industrial District, is amended to add new subsections I and J to read as follows:

- I. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
- J. Up to six (6) medical marihuana primary caregivers *(See Medical Marihuana Establishments and Defined Terms in Section 1-007)*, if in compliance with all of the following conditions for the use, from which variances may not be granted:
  - (1) All caregiver use and operations shall be in a fully enclosed building.
  - (2) Each caregiver use area must be physically separated by walls or floors/ceilings from other caregiver use areas, with no doors, windows, or other openings between caregiver use areas.
  - (3) Each caregiver area shall be locked at all times it is not being used by the primary caregiver and access to each caregiver use area shall only be by the primary caregiver, who shall be the only person with the key or combination for the lock.

- (4) Each caregiver area shall have received and be in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance.
- (5) Each caregiver area shall be inspected by the Township Fire Department and be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code..
- (6) Each caregiver area shall be equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.
- (7) The applicable regulations in Section 2-604.

**Section 13 of Ordinance**

The effective date of this Ordinance shall be on the 8<sup>th</sup> day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly Markee, Township Clerk

**VERSION 2 THAT WAS PRESENTED BY THE TOWNSHIP ATTORNEY ON 9/24/2020  
FOR THE PLANNING COMMISSION 9/29/2020 PUBLIC HEARING**

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2020-Z-008

**MEDICAL MARIHUANA TEXT AMENDMENTS TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to add definitions, land use regulations, conditions, and approval and fee requirements to allow and reasonably regulate licensed medical marihuana facilities and registered primary caregiver uses consistent with state laws.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended to add new defined terms to read as follows:

**MEDICAL MARIHUANA USES AND DEFINED TERMS.**

**Licensed Medical Marihuana Grower.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center or another grower as medical marihuana only.

**Licensed Medical Marihuana Processor.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer as medical marihuana only in packaged form to a provisioning center or another processor.

**Licensed Medical Marihuana Provisioning Center.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that purchases marihuana from a grower or processor and sells, supplies, or provides medical marihuana to qualifying patients, directly or through the patients' primary caregivers, and includes any location where marihuana is sold at retail only to qualifying patients or primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the registration process under the MMMA is not a provisioning center under this Ordinance.

**Licensed Medical Marihuana Safety Compliance Facility.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that takes medical marihuana from a facility or receives it from a registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility or primary caregiver.

**Licensed Medical Marihuana Secure Transporter** means a facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that stores and transports medical marihuana between facilities for a fee.

**Marihuana.** As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

**Medical Marihuana.** Marihuana and marihuana-infused products to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Medical Marihuana Facility.** A specific location that has and is in compliance with medical marihuana state and township licenses to operate as a medical marihuana grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Medical Marihuana Primary Caregiver, or Primary Caregiver.** A primary caregiver as defined in, who has been issued a current registry identification card under, and is in compliance with, the MMMA and MMMA Rules.

**Medical Marihuana Qualifying Patient, or Qualifying Patient.** A qualifying patient as defined in and who has been issued a current registry identification card under, or a visiting qualifying patient as defined in, the MMMA.

**Medical Marihuana State License.** A license issued under the MMFLA allowing a person to operate as a medical marihuana grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Medical Marihuana Township License.** A license issued by the Township under the Medical Marihuana Facility Licensing Ordinance codified in Division 12 of Article III in Chapter 10 of the Waterford Charter Township Code.

**Medical Use of Marihuana.** Acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of medical marihuana by a medical marihuana primary caregiver for that caregiver and up to five (5) medical marihuana qualifying patients.

**MMFLA.** The Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq.

**MMFLA Rules.** The administrative rules promulgated to implement the MMFLA, R 333.201 et. seq.

**MMMA.** The Michigan Medical Marihuana Act, 2008 IL, MCL 333.26421 et seq.

**MMMA Rules.** The administrative rules promulgated under the MMMA, R 333.101 et. Seq.

**Tracking Act.** The Michigan Marihuana Tracking Act, Public Act 282 of 2016, MCL 333.27901 et seq.

### **Section 2 of Ordinance**

The definition of Home Occupation in Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended by adding a new subsection J, to read in its entirety as follows:

**HOME OCCUPATION.** An accessory use which is:

- A. clearly incidental and secondary to the use of the dwelling for residential purposes;
- B. undertaken, completed, and managed solely by the current residents without employees;
- C. conducted entirely within the dwelling, with no exterior storage of equipment, materials, or refuse resulting from the operation of the home occupation;
- D. conducted in conformance with the residential character and appearance of dwellings and zoning lots in the surrounding neighborhood and does not utilize colors, materials, internal or external alterations, lighting, show windows or advertising visible outside of the premises to attract customers or clients;
- E. conducted without equipment and processes which create public nuisances or private nuisances to abutting or adjoining occupiers of land with respect to traffic, parking, noise, vibration, glare, fumes, odors, dust, electrical interference detectable to the normal senses off of the zoning lot, or visible or audible interferences in any radio or television receivers off of the premises;
- F. limited to an area of a dwelling's gross floor area not exceeding twenty (20) percent;
- G. limited to signage permitted in residential districts in accordance with this Zoning Ordinance;
- H. prohibited from the sale and physical exchange of commodities on the premises, except such as produced by such occupation; and
- I. prohibited from generating traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met on the driveway.
- J. not a medical marihuana primary caregiver use unless it complies with the applicable regulations in Section 2-604.

Such uses as a clinic, hospital, animal hospital, kennel, millinery shop, and dancing school shall not be deemed to be home occupations. Personal grooming establishments shall not be deemed to be home occupations, but home haircutting provided occasionally to a clientele limited to friends and family of a permanent resident of the dwelling in which the services are being provided is a home occupation.

**Section 3 of Ordinance**

A new Section 2-604, Regulations for Medical Marihuana Uses, is added in Division 2-6, Use Restrictions Applicable to all Zoning Districts, to read as follows:

**SECTION 2-604. REGULATIONS FOR MEDICAL MARIHUANA USES**

**1. Purpose and Intent.** The purpose and intent of this Section is to summarize where medical marihuana uses, as defined in Section 1-007 under Medical Marihuana Uses and Defined Terms, may be located under this Ordinance and establish approval procedures and regulations that must be complied with for a medical marihuana use to be allowed as a permitted use.

**2. Approval Procedures, Conditions, Fees.**

A. All medical marihuana uses must be approved under the site plan review procedures and requirements in Section 4-004. A single medical marihuana primary caregiver's accessory use of a dwelling as an accessory use home occupation shall be reviewed under the Change of Use site plan review process in Section 4-004.1. All other proposed uses shall require major site plan review based on the criteria in Section 4-004.3.

B. Compliance with all regulations in this Section shall be shown on the site plan or otherwise documented in the site plan approval application, with such compliance to be a condition of every certificate of zoning approval or occupancy and every permit issued by the Township for that use.

C. The regulations in this Section are regulations related to the use of land, from which variances may not be granted. If a medical marihuana use is proposed for a building or zoning lot that is nonconforming, Section 2-702 shall apply in determining the level of required compliance with the regulations in this Section.

D. In addition to the fees that apply to site plan review, if to demonstrate compliance with the regulations in this Section, a review or inspection by a Township employee or official is necessary before the site plan application can be completed, the applicant shall also pay the fees associated with that review or inspection in the amount established by resolution of the Township Board.

**3. Medical Marihuana Primary Caregivers.**

A. A single medical marihuana primary caregiver may engage in the medical use of marihuana in the caregiver's residence dwelling as an accessory use if in compliance with all of the standards for a Home Occupation as defined in Section 1-007, and all of the following regulations for a medical marihuana primary caregiver:

- (1) Is in a detached single-family dwelling or a stand-alone mobile home dwelling.

- (2) Is the only primary caregiver use of that dwelling.
- (3) Has received and is in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance
- (4) Is inspected by the Township Fire Department and determined to be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code.
- (5) Equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

B. Up to six (6) medical marihuana primary caregivers may engage in the medical use of marihuana on a zoning lot in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts after wellhead protection compliance, as provided in Sections 3-806.4.I, 3-807.4.J, and 3-709.3.D(6) of this Ordinance if the following regulations are complied with:

- (1) All caregiver use, operations, and storage shall be in a fully enclosed building.
- (2) Each caregiver's use area must be visibly identified and marked and be physically separated by walls or floors/ceilings from other caregiver use areas, with no doors, windows, or other openings between caregiver use areas.
- (3) Each caregiver's use area shall be locked at all times it is not being used by the primary caregiver, who shall be the only person with the key or combination for the lock, and access to each caregiver use area shall only be by the primary caregiver and the qualifying patients of that caregiver.
- (4) Each caregiver area shall have received and be in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance.
- (5) Each caregiver area shall be inspected by the Township Fire Department and be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code.
- (6) Each caregiver area shall be equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

- (7) An operations statement describing the life-cycle of marihuana and marihuana-infused products that will be entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage and disposal, cash handling, a business floor plan, and hours of operation shall be submitted and complied with.
- (8) A detailed plan for the safety and security of marihuana, customers, employees, and neighboring residents, offices, or businesses shall be submitted and complied with.
- (9) A water/wastewater plan based on the maximum number of plants allowed for the number of primary caregivers that specifies the methods to be used to ensure compliance with restrictions and limitations on discharges into the wastewater system of the Township, the quantity of water to be used, and proposed water supply and service pipes, meters, and plumbing for the facility that has been reviewed and approved by the Public Works Official shall be submitted and complied with.
- (10) The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- (11) Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.
- (12) The MMMA (Medical Marihuana Act) and MMMA Rules.
- (13) No smoking, inhalation, or consumption of marihuana shall take place on the premises.
- (14) No marihuana shall be visible from the exterior of the building.
- (15) Selling of any non-marihuana products is prohibited.

**4. Use Regulations for all Licensed Medical Marihuana Uses.** Compliance with the following use regulations is required for licensed medical marihuana growers, processors, provisioning centers, safety compliance facilities, and secure transporters to be a permitted use in the zoning districts in which they are allowed:

- A. The Township Board approved site, building, and comprehensive facility operation and security plans for the Grower's license, which shall be submitted and considered as the site plan to be complied with.
- B. To the extent not addressed in the Township Board license approved security plan, a detailed safety and security plan for marihuana, employees, and others at the premises, and for neighboring residents, offices, and businesses must be submitted as a site plan document, and upon approval be complied with.
- C. To the extent not addressed in the Township Board license approved facility operation plan, an operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of

operation, and other operational information shall be submitted as a site plan document, and upon approval be complied with.

D. To the extent not addressed in the Township Board license approved facility operation plan, a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class shall be submitted as a site plan document and upon approval be complied with.

E. The Medical Marihuana Township License and the standards, terms, and conditions of that license under Section 10-306 of the Waterford Charter Township Code.

F. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.

G. The applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

H. All use, operations, and storage shall be in a fully enclosed building, with no marihuana to be visible from outside the building.

I. The smoking, inhalation, and consumption of marihuana on the premises is prohibited.

J. The retail sale of marihuana and other products on the premises is prohibited with the exception of provisioning centers where the retail sale of medical marihuana or paraphernalia for the administration of medical marihuana to medical marihuana qualifying patients is allowed.

K. The Medical Marihuana State License and the MMFLA, MMFLA Rules, and Tracking Act.

**5. Licensed Medical Marihuana Growers.** Licensed medical marihuana growers are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.H, 3-807.4.I, and 3-709.3.D(5) of this Ordinance if the use regulations in subsection 4 are complied with.

**6. Licensed Medical Marihuana Processors.** Licensed medical marihuana processors are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.H, 3-807.4.I, and 3-709.3.D(5) of this Ordinance if the use regulations in subsection 4 are complied with.

**7. Licensed Medical Marihuana Provisioning Centers.** Licensed medical marihuana provisioning centers are permitted on zoning lots in the C-2, Small Business, C-3, General Business, C-4, Extensive Business, and Summit Place Overlay Districts as provided in Sections 3-704.3.K, 3-705.3.Q, 3-706.3.W, and 3-709.3. of this Ordinance if the use regulations in subsection 4 and the following regulations are complied with:

- A. Restricted access areas that are not open to the public must be must clearly marked and enforced.
- B. Drive through provisioning centers are prohibited.
- C. No free marihuana, medical marihuana, paraphernalia, or other products shall be offered or distributed at or by the provisioning center.

**8. Licensed Medical Marihuana Safety Compliance Facilities.** Licensed medical marihuana safety compliance facilities are permitted on zoning lots in the HT-1, High Tech Office, HT-2, High Tech Industrial and Office, M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-804.3.I, 3-805.3.I, 3-806.3.H, 3-807.3.E, and 3-709.3.D(4) of this Ordinance if the use regulations in subsection 4 are complied with.

**9. Licensed Medical Marihuana Secure Transporters.** Licensed medical marihuana secure transporters are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.3.H, 3-807.3.E, and 3-709.3.D(4) of this Ordinance if the use regulations in subsection 4 are complied with.

**Section 4 of Ordinance**

Section 3-704.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-2, Local Business District, is amended to add a new subsection K to read as follows:

- K. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 5 of Ordinance**

Section 3-705.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-3, General Business District, is amended to add a new subsection Q to read as follows:

- Q. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

### Section 6 of Ordinance

Section 3-706.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-4, Extensive Business District, is amended to add a new subsection W to read as follows:

- W. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

### Section 7 of Ordinance

Section 3-709.3.D of the Waterford Township Zoning Ordinance, that identifies the uses permitted in the M-1, Light Industrial District that are permitted principal uses in the Summit Place Overlay Zoning District, is amended to read as follows:

- D. The following permitted principal uses and permitted uses after wellhead protection compliance that are listed in Sections 3-806.3 and 3-806.4 as allowed in the M-1 District:
  - (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
  - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.
  - (3) Outdoor storage as an accessory use for freight handling facilities permitted under subsection D (1), with no requirement that such storage be located to the rear of the principal building, but subject to the following:
    - (a) The outdoor storage is in trailers parked in designated trailer parking spaces or truck docks on the site.
    - (b) The outdoor storage is temporary, with stored items to be in the trailer that was or will be used to transport those items to or from the site.
    - (c) The outdoor storage shall not be located in a yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, Summit Drive, or an adjacent existing residential use.
    - (d) No truck shall be stored on the site for more than 15 consecutive days.
  - (4) Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
  - (5) Licensed medical marihuana growers and licensed medical marihuana processors after wellhead protection compliance that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
  - (6) Up to six (6) medical marihuana primary caregivers after wellhead

protection compliance that comply with the applicable regulations in Section 2-604. (See *Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 8 of Ordinance**

Section 3-804.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the HT-1, High Tech Office District, is amended to add a new subsection I to read as follows:

- I. Licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 9 of Ordinance**

Section 3-805.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the HT-2, High Tech Industrial and Office District, is amended to add a new subsection I to read as follows:

- I. Licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 10 of Ordinance**

Section 3-806.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the M-1, Light Industrial District, is amended to add a new subsection H to read as follows:

- H. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 11 of Ordinance**

Section 3-806.4 of the Waterford Township Zoning Ordinance, that lists permitted uses after wellhead protection compliance in the M-1, Light Industrial District, is amended to add new subsections H and I to read as follows:

- H. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).
- I. Up to six (6) medical marihuana primary caregivers that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 12 of Ordinance**

Section 3-807.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the M-2, General Industrial District, is amended to add a new subsection E to read as follows:

- E. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 13 of Ordinance**

Section 3-807.4 of the Waterford Township Zoning Ordinance, that lists permitted uses after wellhead protection compliance in the M-2, General Industrial District, is amended to add new subsections I and J to read as follows:

- I. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
- J. Up to six (6) medical marihuana primary caregivers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 14 of Ordinance**

The effective date of this Ordinance shall be January 4, 2021 or the 8<sup>th</sup> day after publication, whichever is later, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly F. Markee, Township Clerk

Introduced:

Adopted:

Published:

**Gary L. Dovre**

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**From:** Gary L. Dovre  
**Sent:** Thursday, September 24, 2020 11:37 AM  
**To:** Polkowski, Jeffrey  
**Cc:** Merinsky, Rob; Alef, Scott; 'gwall@waterfordmi.gov'  
**Subject:** Updated Medical Marihuana Text Amendments to Zoning Ordinance  
**Attachments:** Med Mar Ord Amends 9-24-20.docx

**Importance:** High

Jeff, Please provide this email and attached Ordinance to the Planning Commission for next Tuesday's public hearing. Gary

Dear Planning Commission Members,

Attached to this email is an updated version of the proposed Ordinance that has been on file with the Development Services Department for your September 29, 2020, public hearing. Although this version may look considerably different, there are actually only 3 substantive changes.

The first was prompted by questions Jeff has been fielding from the public on why provisioning centers would not also be permitted in the C-2, Local Business District. With the Development Services Department having no problem with that concept, Section 4 of this version on page 8 would provide for that (that accounts for why there are now 14 rather than 13 Sections of the Ordinance.)

The second substantive change is found in Section 3 of the Ordinance on page 4, where a recognition that some buildings or lots proposed for use could be nonconforming has been added in Section 2-604.2.C.

The final substantive change is in the effective date language in Section 14 on page 11. These Zoning Ordinance Amendments are a companion to a Medical Marihuana Facility Licensing Ordinance the Township Board has been discussing and that is expected to be considered for introduction at its October 13<sup>th</sup> meeting. Those discussions have included a January 4, 2021 effective date. You will see that this Zoning Ordinance Amendment now includes that date.

The remaining changes, which I do not consider to have been substantive, are primarily formatting in nature. Under this version, the regulations for medical marihuana uses now only appear in Section 2-604. The prior version had some of those also appearing in the text listing what uses would be allowed in which District. That same formatting change was done for the revised definition of Home Occupation in Section 2 on page 3, which now simply refers to the regulations in Section 2-604.

The second formatting change was to list all of the regulations common to all of the 5 types of licensed medical marihuana uses (growers, processors, provisioning centers, safety compliance facilities, and secure transporters) in Section 2-604.4 on pages 6 and 7. With that change, the only use with its own regulations is provisioning centers in Section 2-604.7 on page 8.

Upon reviewing the use regulations in Section 2-604.4, you will find provisions not in the prior version. I do not consider those substantive because they are simply reinforcing or emphasizing what is already required by the definitions of the various licensed medical marihuana uses in Section 1 of the Ordinance. Namely, that for any of those uses to be a permitted use, it must be in compliance with the Township and State licenses and the applicable statutes and rules. The second difference in this version when it comes to Section 2-604.4 is that some of the regulations in the prior text have been reworded or consolidated.

I will be remotely attending your meeting and would like the opportunity to outline the changes in this updated version, with emphasis on the substantive changes, before you open the public hearing. Once the public hearing is closed, a motion with a recommendation to the Township Board should be made and passed. Hopefully, that can be done at the meeting, clearing the way for the Medical Marihuana Text Amendments to Zoning Ordinance to also be considered for introduction by the Township Board on October 13, 2020. Language for a possible motion to provide a favorable recommendation would be:

Motion to recommend the Township Board adopt the Medical Marihuana Text Amendments to Zoning Ordinance in the updated form presented by the Township Attorney for and at this meeting, including to allow provisioning centers in the C-2,

Local Business District, text on nonconforming buildings or lots, and a January 4, 2020 effective date.

Enjoy your weekends and see you on Tuesday.

Gary



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

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**IMPORTANT NOTICE: Due to the COVID-19 Pandemic and the Governor's Executive Order 2020-59, we have eliminated in-person attendance of our staff at our offices. We are working remotely to the extent possible. Please send all correspondence, pleadings, discovery or other documents by email to the specific attorney involved to ensure receipt. The attorney's direct dial phone numbers are listed on the firm's website (<https://www.rsjalaw.com>) in each attorney's resume. The direct dial phone messages will be forwarded to attorneys.**

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**Chairperson Werth called the meeting to order at 4:30p.m.**

ROLL CALL

PRESENT: SANDRA WERTH, CHAIRPERSON  
STEVE RENO, VICE CHAIRPERSON  
MATT RAY, SECRETARY  
TONY BARTOLOTTA, COMMISSIONER  
DAVE KRAMER, COMMISSIONER  
COLLEEN MURPHY, COMMISSIONER  
SCOTT SINTKOWSKI, COMMISSIONER

ALSO PRESENT: JEFFREY POLKOWSKI, SUPERINTENDENT/PLANNING  
SCOTT ALEF, PLANNER II  
AMY WILLIAMS, DEPARTMENTAL AIDE  
ROB MERINSKY, DIRECTOR/ENGINEERING  
GARY DOVRE, TOWNSHIP ATTORNEY

PUBLIC PRESENT: APPROXIMATELY 17

APPROVAL OF SEPTEMBER 29, 2020 PLANNING COMMISSION MEETING AGENDA.

**MOTION AND VOTE**

MOVED BY KRAMER

SUPPORTED BY RAY; RESOLVED TO APPROVE THE SEPTEMBER 29, 2020 PLANNING COMMISSION MEETING AGENDA.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**

**(7-0)**

APPROVAL OF AUGUST 25, 2020 PLANNING COMMISSION MEETING MINUTES AS PRINTED.

**MOTION AND VOTE**

MOVED BY KRAMER

SUPPORTED BY SINTKOWSKI; RESOLVED TO APPROVE THE AUGUST 25, 2020 PLANNING COMMISSION MEETING MINUTES AS WRITTEN.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE**

**(7-0)**

SITE PLANS AND PUBLIC HEARINGS

1) **SITE PLAN – PSP #20-1364 – Greyberry Apartments Site Plan Amendment**

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Location: E Side of Scott Lake Rd, N of Elizabeth Lake Rd.  
Request: Site Plan Amendment  
Parcel I.D. No.: 13-24-351-007 & 13-24-351-008  
Applicant: Warren Hudson, Friedmen Real Estate

**Mr. Polkowski** gave a brief summary of this request. The original builder built something slightly different from what was required to be built, and the new purchaser needs something stating that this is 100% in compliance. To accomplish this they need to apply to the ZBA for variances to cover requirements in the Township Zoning ordinance today. They will also need to update landscape requirements, but will not be making any structural modifications.

**MOTION AND VOTE**

MOVED BY RAY

SUPPORTED BY KRAMER; RESOLVED TO APPROVE SITE PLAN # PSP #20-1364 CONTINGENT ON THE APPLICANT RECEIVING VARIANCES FOR THE 3 SIDE YARD SETBACKS (20'6" WHERE 25' IS REQUIRED), THEY PROVIDE A LANDSCAPE PLAN MEETING ALL REQUIREMENTS, AND VERIFY LIGHTING EQUIPMENT MEETS REQUIREMENTS OF SECTION 2-201.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE  
(7-0)**

**2) PUBLIC HEARING – Text Amendment. 20-09-01, Medical Marihuana Facilities**

Request: Text Amendment to permit Medical Marihuana facilities within various zoning districts.  
Applicant: Waterford Township

**Attorney Dove** gave a brief summary of some updated changes to the proposed ordinance outlining 3 substantive changes. The first was prompted by questions from the public on why provisioning centers would not be permitted in the C-2, local business district. The second recognizing that some buildings or lots may be nonconforming. Finally, that the ordinance changes become effective in conjunction with the Township Boards Medical Marihuana Facility Licensing Ordinance on January 4, 2021.

**Mr Dove** further outlined the remaining, non-substantive changes in the updated section 2-604 of the proposed Zoning Ordinance Amendment.

---

**Commissioner Kramer** questioned if one entity could hold multiple licenses, and Attorney Dove replied that Yes, they can.

Chairperson Werth opened the public hearing on the proposed ordinance at 4:43 PM.

During the public hearing, the following spoke regarding the ordinance.

**Karen Joliat** of 4181 Lakewood questioned the fact that this was going to be allowed in the C-2 zoning, because in the Township Board work sessions, there was discussion of excluding them from strip malls.

**Mr. Dove** replied that he recalled those discussion but not any consensus to include such an exclusion and said that the C-2, and C-3 and C-4 Districts do not prohibit permitted uses being in strip malls.

**Mr. Polkowski** noted that most of the strip malls are in C-3 or larger zoning anyway.

**Arie Liebovitz** of 29355 Northwestern Hwy, said that he was there representing the Summit Mall Re-development.

Chairperson Werth closed the public hearing at 4:50 PM.

#### **MOTION AND VOTE**

MOVED BY BARTOLOTTA

SUPPORTED BY SINTKOWSKI; TO RECOMMEND THE TOWNSHIP BOARD ADOPT THE MEDICAL MARIHUANA TEXT AMENDMENTS TO THE ZONING ORDINANCE IN THE UPDATED FORM PRESENTED BY THE TOWNSHIP ATTORNEY FOR AND AT THIS MEETING, INCLUDING TO ALLOW PROVISIONING CENTERS IN THE C-2, LOCAL BUSINESS DISTRICT, TEXT ON NONCONFORMING BUILDING OR LOTS, AND A JANUARY 4, 2021 EFFECTIVE DATE.

MOTION AMENDED BY SINTKOWSKI, SUPPORTED BY RENO; THAT THIS MOTION IS BASED ON THE FINDINGS AND CONCLUSIONS UNDER THE ORDINANCE APPROVAL RECOMMENDATION GUIDELINES WHICH ARE BASED ON ASSESSMENT OF THE INFORMATION AND STATEMENTS PRESENTED IN THIS CASE BY THE TOWNSHIP STAFF, AND MEMBERS OF THE PUBLIC.

**MOTION AS AMENDED CARRIED UNANIMOUSLY BY ROLL CALL VOTE  
(7-0)**

#### **DISCUSSION**

##### **3) Sidewalk Improvement**

This was discussed at the pre-meeting.

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4) **PSP 20-1360 Car Wash Ice Cream Booth**

There were issues with this site plan and we are waiting for revised plans.

5) **Waterford Township's 2019-2020 CDBG Program Performance Report**

This item was withdrawn until the next meeting.

ALL ELSE

6) **Planning Commission Contact Info**

ADJOURN

CHAIRPERSON WERTH ADJOURNED THE MEETING AT 5:06P.M.

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**VERSION 2 THAT WAS PRESENTED BY THE TOWNSHIP ATTORNEY ON 9/24/2020  
FOR THE PLANNING COMMISSION 9/29/2020 PUBLIC HEARING**

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2020-Z-008

**MEDICAL MARIHUANA TEXT AMENDMENTS TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to add definitions, land use regulations, conditions, and approval and fee requirements to allow and reasonably regulate licensed medical marihuana facilities and registered primary caregiver uses consistent with state laws.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended to add new defined terms to read as follows:

**MEDICAL MARIHUANA USES AND DEFINED TERMS.**

**Licensed Medical Marihuana Grower.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center or another grower as medical marihuana only.

**Licensed Medical Marihuana Processor.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer as medical marihuana only in packaged form to a provisioning center or another processor.

**Licensed Medical Marihuana Provisioning Center.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that purchases marihuana from a grower or processor and sells, supplies, or provides medical marihuana to qualifying patients, directly or through the patients' primary caregivers, and includes any location where marihuana is sold at retail only to qualifying patients or primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the registration process under the MMMA is not a provisioning center under this Ordinance.

**Licensed Medical Marihuana Safety Compliance Facility.** A facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that takes medical marihuana from a facility or receives it from a registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility or primary caregiver.

**Licensed Medical Marihuana Secure Transporter** means a facility that has and is in compliance with medical marihuana state and township licenses, and is in compliance with the MMFLA, MMFLA Rules, and Tracking Act, that stores and transports medical marihuana between facilities for a fee.

**Marihuana.** As defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

**Medical Marihuana.** Marihuana and marihuana-infused products to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Medical Marihuana Facility.** A specific location that has and is in compliance with medical marihuana state and township licenses to operate as a medical marihuana grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Medical Marihuana Primary Caregiver, or Primary Caregiver.** A primary caregiver as defined in, who has been issued a current registry identification card under, and is in compliance with, the MMMA and MMMA Rules.

**Medical Marihuana Qualifying Patient, or Qualifying Patient.** A qualifying patient as defined in and who has been issued a current registry identification card under, or a visiting qualifying patient as defined in, the MMMA.

**Medical Marihuana State License.** A license issued under the MMFLA allowing a person to operate as a medical marihuana grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Medical Marihuana Township License.** A license issued by the Township under the Medical Marihuana Facility Licensing Ordinance codified in Division 12 of Article III in Chapter 10 of the Waterford Charter Township Code.

**Medical Use of Marihuana.** Acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of medical marihuana by a medical marihuana primary caregiver for that caregiver and up to five (5) medical marihuana qualifying patients.

**MMFLA.** The Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq.

**MMFLA Rules.** The administrative rules promulgated to implement the MMFLA, R 333.201 et. seq.

**MMMA.** The Michigan Medical Marihuana Act, 2008 IL, MCL 333.26421 et seq.

**MMMA Rules.** The administrative rules promulgated under the MMMA, R 333.101 et. Seq.

**Tracking Act.** The Michigan Marihuana Tracking Act, Public Act 282 of 2016, MCL 333.27901 et seq.

### **Section 2 of Ordinance**

The definition of Home Occupation in Section 1-007, Index of Defined Terms, of the Waterford Township Zoning Ordinance is amended by adding a new subsection J, to read in its entirety as follows:

**HOME OCCUPATION.** An accessory use which is:

- A. clearly incidental and secondary to the use of the dwelling for residential purposes;
- B. undertaken, completed, and managed solely by the current residents without employees;
- C. conducted entirely within the dwelling, with no exterior storage of equipment, materials, or refuse resulting from the operation of the home occupation;
- D. conducted in conformance with the residential character and appearance of dwellings and zoning lots in the surrounding neighborhood and does not utilize colors, materials, internal or external alterations, lighting, show windows or advertising visible outside of the premises to attract customers or clients;
- E. conducted without equipment and processes which create public nuisances or private nuisances to abutting or adjoining occupiers of land with respect to traffic, parking, noise, vibration, glare, fumes, odors, dust, electrical interference detectable to the normal senses off of the zoning lot, or visible or audible interferences in any radio or television receivers off of the premises;
- F. limited to an area of a dwelling's gross floor area not exceeding twenty (20) percent;
- G. limited to signage permitted in residential districts in accordance with this Zoning Ordinance;
- H. prohibited from the sale and physical exchange of commodities on the premises, except such as produced by such occupation; and
- I. prohibited from generating traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met on the driveway.
- J. not a medical marihuana primary caregiver use unless it complies with the applicable regulations in Section 2-604.**

Such uses as a clinic, hospital, animal hospital, kennel, millinery shop, and dancing school shall not be deemed to be home occupations. Personal grooming establishments shall not be deemed to be home occupations, but home haircutting provided occasionally to a clientele limited to friends and family of a permanent resident of the dwelling in which the services are being provided is a home occupation.

**Section 3 of Ordinance**

A new Section 2-604, Regulations for Medical Marihuana Uses, is added in Division 2-6, Use Restrictions Applicable to all Zoning Districts, to read as follows:

**SECTION 2-604. REGULATIONS FOR MEDICAL MARIHUANA USES**

**1. Purpose and Intent.** The purpose and intent of this Section is to summarize where medical marihuana uses, as defined in Section 1-007 under Medical Marihuana Uses and Defined Terms, may be located under this Ordinance and establish approval procedures and regulations that must be complied with for a medical marihuana use to be allowed as a permitted use.

**2. Approval Procedures, Conditions, Fees.**

A. All medical marihuana uses must be approved under the site plan review procedures and requirements in Section 4-004. A single medical marihuana primary caregiver's accessory use of a dwelling as an accessory use home occupation shall be reviewed under the Change of Use site plan review process in Section 4-004.1. All other proposed uses shall require major site plan review based on the criteria in Section 4-004.3.

B. Compliance with all regulations in this Section shall be shown on the site plan or otherwise documented in the site plan approval application, with such compliance to be a condition of every certificate of zoning approval or occupancy and every permit issued by the Township for that use.

C. The regulations in this Section are regulations related to the use of land, from which variances may not be granted. If a medical marihuana use is proposed for a building or zoning lot that is nonconforming, Section 2-702 shall apply in determining the level of required compliance with the regulations in this Section.

D. In addition to the fees that apply to site plan review, if to demonstrate compliance with the regulations in this Section, a review or inspection by a Township employee or official is necessary before the site plan application can be completed, the applicant shall also pay the fees associated with that review or inspection in the amount established by resolution of the Township Board.

**3. Medical Marihuana Primary Caregivers.**

A. A single medical marihuana primary caregiver may engage in the medical use of marihuana in the caregiver's residence dwelling as an accessory use if in compliance with all of the standards for a Home Occupation as defined in Section 1-007, and all of the following regulations for a medical marihuana primary caregiver:

- (1) Is in a detached single-family dwelling or a stand-alone mobile home dwelling.

- (2) Is the only primary caregiver use of that dwelling.
- (3) Has received and is in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance
- (4) Is inspected by the Township Fire Department and determined to be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code.
- (5) Equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

B. Up to six (6) medical marihuana primary caregivers may engage in the medical use of marihuana on a zoning lot in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts after wellhead protection compliance, as provided in Sections 3-806.4.I, 3-807.4.J, and 3-709.3.D(6) of this Ordinance if the following regulations are complied with:

- (1) All caregiver use, operations, and storage shall be in a fully enclosed building.
- (2) Each caregiver's use area must be visibly identified and marked and be physically separated by walls or floors/ceilings from other caregiver use areas, with no doors, windows, or other openings between caregiver use areas.
- (3) Each caregiver's use area shall be locked at all times it is not being used by the primary caregiver, who shall be the only person with the key or combination for the lock, and access to each caregiver use area shall only be by the primary caregiver and the qualifying patients of that caregiver.
- (4) Each caregiver area shall have received and be in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the Waterford Charter Township Code and certificates of zoning approval and occupancy for such use under this Ordinance.
- (5) Each caregiver area shall be inspected by the Township Fire Department and be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code.
- (6) Each caregiver area shall be equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.

- (7) An operations statement describing the life-cycle of marihuana and marihuana-infused products that will be entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage and disposal, cash handling, a business floor plan, and hours of operation shall be submitted and complied with.
- (8) A detailed plan for the safety and security of marihuana, customers, employees, and neighboring residents, offices, or businesses shall be submitted and complied with.
- (9) A water/wastewater plan based on the maximum number of plants allowed for the number of primary caregivers that specifies the methods to be used to ensure compliance with restrictions and limitations on discharges into the wastewater system of the Township, the quantity of water to be used, and proposed water supply and service pipes, meters, and plumbing for the facility that has been reviewed and approved by the Public Works Official shall be submitted and complied with.
- (10) The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- (11) Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.
- (12) The MMMA (Medical Marihuana Act) and MMMA Rules.
- (13) No smoking, inhalation, or consumption of marihuana shall take place on the premises.
- (14) No marihuana shall be visible from the exterior of the building.
- (15) Selling of any non-marihuana products is prohibited.

**4. Use Regulations for all Licensed Medical Marihuana Uses.** Compliance with the following use regulations is required for licensed medical marihuana growers, processors, provisioning centers, safety compliance facilities, and secure transporters to be a permitted use in the zoning districts in which they are allowed:

- A. The Township Board approved site, building, and comprehensive facility operation and security plans for the Grower's license, which shall be submitted and considered as the site plan to be complied with.
- B. To the extent not addressed in the Township Board license approved security plan, a detailed safety and security plan for marihuana, employees, and others at the premises, and for neighboring residents, offices, and businesses must be submitted as a site plan document, and upon approval be complied with.
- C. To the extent not addressed in the Township Board license approved facility operation plan, an operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of

operation, and other operational information shall be submitted as a site plan document, and upon approval be complied with.

D. To the extent not addressed in the Township Board license approved facility operation plan, a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class shall be submitted as a site plan document and upon approval be complied with.

E. The Medical Marihuana Township License and the standards, terms, and conditions of that license under Section 10-306 of the Waterford Charter Township Code.

F. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-802, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.

G. The applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and 5-004.

H. All use, operations, and storage shall be in a fully enclosed building, with no marihuana to be visible from outside the building.

I. The smoking, inhalation, and consumption of marihuana on the premises is prohibited.

J. The retail sale of marihuana and other products on the premises is prohibited with the exception of provisioning centers where the retail sale of medical marihuana or paraphernalia for the administration of medical marihuana to medical marihuana qualifying patients is allowed.

K. The Medical Marihuana State License and the MMFLA, MMFLA Rules, and Tracking Act.

**5. Licensed Medical Marihuana Growers.** Licensed medical marihuana growers are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.H, 3-807.4.I, and 3-709.3.D(5) of this Ordinance if the use regulations in subsection 4 are complied with.

**6. Licensed Medical Marihuana Processors.** Licensed medical marihuana processors are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.4.H, 3-807.4.I, and 3-709.3.D(5) of this Ordinance if the use regulations in subsection 4 are complied with.

**7. Licensed Medical Marihuana Provisioning Centers.** Licensed medical marihuana provisioning centers are permitted on zoning lots in the C-2, Small Business, C-3, General Business, C-4, Extensive Business, and Summit Place Overlay Districts as provided in Sections 3-704.3.K, 3-705.3.Q, 3-706.3.W, and 3-709.3. of this Ordinance if the use regulations in subsection 4 and the following regulations are complied with:

- A. Restricted access areas that are not open to the public must be clearly marked and enforced.
- B. Drive through provisioning centers are prohibited.
- C. No free marihuana, medical marihuana, paraphernalia, or other products shall be offered or distributed at or by the provisioning center.

**8. Licensed Medical Marihuana Safety Compliance Facilities.** Licensed medical marihuana safety compliance facilities are permitted on zoning lots in the HT-1, High Tech Office, HT-2, High Tech Industrial and Office, M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-804.3.I, 3-805.3.I, 3-806.3.H, 3-807.3.E, and 3-709.3.D(4) of this Ordinance if the use regulations in subsection 4 are complied with.

**9. Licensed Medical Marihuana Secure Transporters.** Licensed medical marihuana secure transporters are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in Sections 3-806.3.H, 3-807.3.E, and 3-709.3.D(4) of this Ordinance if the use regulations in subsection 4 are complied with.

#### Section 4 of Ordinance

Section 3-704.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-2, Local Business District, is amended to add a new subsection K to read as follows:

- K. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

#### Section 5 of Ordinance

Section 3-705.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-3, General Business District, is amended to add a new subsection Q to read as follows:

- Q. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

### Section 6 of Ordinance

Section 3-706.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the C-4, Extensive Business District, is amended to add a new subsection W to read as follows:

- W. Licensed medical marihuana provisioning centers that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

### Section 7 of Ordinance

Section 3-709.3.D of the Waterford Township Zoning Ordinance, that identifies the uses permitted in the M-1, Light Industrial District that are permitted principal uses in the Summit Place Overlay Zoning District, is amended to read as follows:

- D. The following permitted principal uses and permitted uses after wellhead protection compliance that are listed in Sections 3-806.3 and 3-806.4 as allowed in the M-1 District:
- (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
  - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.
  - (3) Outdoor storage as an accessory use for freight handling facilities permitted under subsection D (1), with no requirement that such storage be located to the rear of the principal building, but subject to the following:
    - (a) The outdoor storage is in trailers parked in designated trailer parking spaces or truck docks on the site.
    - (b) The outdoor storage is temporary, with stored items to be in the trailer that was or will be used to transport those items to or from the site.
    - (c) The outdoor storage shall not be located in a yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, Summit Drive, or an adjacent existing residential use.
    - (d) No truck shall be stored on the site for more than 15 consecutive days.
  - (4) Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).
  - (5) Licensed medical marihuana growers and licensed medical marihuana processors after wellhead protection compliance that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).
  - (6) Up to six (6) medical marihuana primary caregivers after wellhead

protection compliance that comply with the applicable regulations in Section 2-604. (See *Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 8 of Ordinance**

Section 3-804.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the HT-1, High Tech Office District, is amended to add a new subsection I to read as follows:

- I. Licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 9 of Ordinance**

Section 3-805.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the HT-2, High Tech Industrial and Office District, is amended to add a new subsection I to read as follows:

- I. Licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 10 of Ordinance**

Section 3-806.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the M-1, Light Industrial District, is amended to add a new subsection H to read as follows:

- H. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 11 of Ordinance**

Section 3-806.4 of the Waterford Township Zoning Ordinance, that lists permitted uses after wellhead protection compliance in the M-1, Light Industrial District, is amended to add new subsections H and I to read as follows:

- H. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).
- I. Up to six (6) medical marihuana primary caregivers that comply with the applicable regulations in Section 2-604. (*See Medical Marihuana Establishments and Defined Terms in Section 1-007*).

**Section 12 of Ordinance**

Section 3-807.3 of the Waterford Township Zoning Ordinance, that lists permitted principal uses in the M-2, General Industrial District, is amended to add a new subsection E to read as follows:

- E. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 13 of Ordinance**

Section 3-807.4 of the Waterford Township Zoning Ordinance, that lists permitted uses after wellhead protection compliance in the M-2, General Industrial District, is amended to add new subsections I and J to read as follows:

- I. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*
- J. Up to six (6) medical marihuana primary caregivers that comply with the applicable regulations in Section 2-604. *(See Medical Marihuana Establishments and Defined Terms in Section 1-007).*

**Section 14 of Ordinance**

The effective date of this Ordinance shall be January 4, 2021 or the 8<sup>th</sup> day after publication, whichever is later, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly F. Markee, Township Clerk

Introduced:

Adopted:

Published:

GARY L. DOVRE  
gdovre@rsjalaw.com

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ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

October 8, 2020

Board of Trustees  
Charter Township of Waterford  
5200 Civic Center Drive  
Waterford, MI 48329

RE: Proposed Medical Marijuana Facility Licensing Ordinance

Dear Township Board Members:

Provided with this letter is the referenced ordinance for possible introduction at your October 13, 2020 meeting. With this lengthy ordinance having been the product of several Work Sessions over the course of the summer, this overview is primarily for the benefit of the public. The authority for this ordinance is the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016. Under that Act, a municipality must adopt an ordinance to authorize medical marijuana facilities. Otherwise, the State will not issue its required license.

This ordinance is only for medical marijuana facilities. Recreational marijuana facilities as authorized by the voters in 2018 are not covered by this ordinance. Regarding recreational marijuana establishments, on May 28, 2019, you adopted Ordinance 2019-005, to prohibit recreational marijuana establishments in the Township.

This ordinance provides for Township licensing of up to two (2) of each of the medical marijuana facilities for which state licenses may be obtained. As listed in **Section 10-298(a)**, those facilities are Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secure Transporters. As also provided in that section, the annual fee for each of these licenses would be \$5,000, the maximum allowed by the Act.

**Sections 10-291 through 10-297** of the Ordinance identify the name, purpose, and Township Board's intent regarding the Ordinance, followed by definitions and explanations of how this ordinance relates to federal and state laws, protections of the Township from liability, and that a Township license is required.

**Section 10-299** includes a list of eight (8) threshold requirements that must be satisfied for a license to be applied for, approved, or issued, with the burden on the Applicant to determine that before submitting an application. Those minimum standards include minimum isolation/separation requirements of facilities from residentially-zoned property and child day care, educational, religious, and most recreational facilities.

As its title implies, **Section 10-300** provides an overview of the license application, approval and issuance procedures, with the actual application requirements in **Section 10-301**. In addition to general business license application requirements already in the Township's Ordinance Code,

the ordinance contains a list of 25 categories of information or documents that must be submitted for an application to be administratively complete. **Section 10-301** goes on to provide that the Township Board will only consider administratively complete applications and will do so in the order in which they were administratively completed with the Township Clerk's Office.

**Section 10-302** provides for the Township Clerk's Office to review applications for administrative completeness and to send those which are on to 10 designated Township officials for reviews and reports on specified aspects of the applications. That section also provides guidelines for when applications are placed on a Township Board agenda for consideration.

**Section 10-303** provides the Township Board's procedure and decision options on applications, with subsection (d) listing ten circumstances requiring an application to be denied.

For applications the Township Board is not required to deny, **Section 10-304** lists the 23 review criteria the Township Board may base its license decisions on in subsection (a), with subsection (b) confirming the official record upon which decisions are to be based.

**Section 10-305** spells out the process for the Township Clerk to issue and annually renew licenses approved by the Township Board and confirms that there is no right to renewal of a license.

**Section 10-306** contains a list of standards, terms, and conditions that will be considered requirements of every license that is issued.

**Section 10-307** provides license applicants with a limited right to appeal to the circuit court from a Township Board decision on the applicant's application, with **Sections 10-208 and 10-309** simply confirming that licenses may be suspended or revoked and that violations of the ordinance or the terms and conditions of a license are municipal civil infractions.

As provided in **Section 10-293(e)** on the Township Board's legislative intent, if this Ordinance is adopted, a large number of applicants are anticipated for the limited number of facility licenses authorized. That factor goes a long way toward explaining the length of this Ordinance, which reflects an attempt to provide a comprehensive and uniform set of standards under which all license applications will be evaluated, considered, and decided under disclosed criteria in a fully transparent process.

If the Board is satisfied with this Ordinance as presented, a motion to introduce it and schedule it for possible adoption on October 26, 2020, would be the appropriate action.

If the Board would be satisfied with this Ordinance if certain changes were made, it has two (2) options. First, a motion to introduce the Ordinance and schedule it for adoption could be made if the specific changes are identified in the motion.

The second option would be a motion to postpone introduction to the October 26<sup>th</sup> meeting to allow time for specific changes identified in the motion to actually be made in the Ordinance text.

October 8, 2020  
Page 3

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Gary L. Dovre", with a long, sweeping horizontal line extending to the right.

Gary L. Dovre

GLD/jah  
Enclosure

**CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2020-005**

**MEDICAL MARIHUANA FACILITY LICENSING ORDINANCE**

An Ordinance to amend Article III in Chapter 10 of the Waterford Charter Township Code to add a new Division 12 to allow and provide for the licensing and regulation of medical marihuana facilities in the Township and to provide penalties and sanctions for violations of this Ordinance and licenses issued under it.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The Waterford Charter Township Code is amended by adding Sections 10-291 through 10-309 in a new Division 12, Medical Marihuana Facilities, in Article III, Business Licensing, of Chapter 10, Business Regulations, Licensing and Registration to read as follows:

**Division 12. Medical Marihuana Facilities**

**Sec. 10-291. Title.**

This Division shall be known and cited as the "Medical Marihuana Facility Licensing Ordinance."

**Sec. 10-292. Purpose.**

The purpose of this Ordinance is to exercise the Township's authority under the Medical Marihuana Facilities Licensing Act, Michigan Public Act 281 of 2016, as amended, to adopt an ordinance to authorize, limit the number of, locally license, and regulate medical marihuana facilities in the Township in a manner that protects the public health, safety, and welfare of the Township and its residents and property owners by:

- (a) Requiring comprehensive information from all applicants for Township licenses and establishing criteria under which license applications will be reviewed.
- (b) Restricting approval and issuance of licenses to applicants with a demonstrated commitment to the Township and in operating a facility in compliance with this and other ordinances, the license, and all other applicable laws, licenses, permits, and approvals.
- (c) Requiring compliance with applicable state laws and licenses as Township license conditions.
- (d) To the extent allowed by law, establishing additional regulations that are not in state laws and licenses.
- (e) Establishing reasonable limitations on operations related to odor, visibility, hours, safety, security, and other aspects of licensed facilities.
- (f) Protecting residential and other sensitive areas and uses in the Township by restricting the number and location of licensed facilities and establishing minimum requirements for licensing and standards for operations.

- (g) Requiring application and annual fees to help defray administrative and enforcement cost associated with the licensing and operation of facilities.
- (h) Establishing penalties and sanctions for ordinance or license violations.

**Sec. 10-293. Legislative Intent.**

- (a) The intent in adopting this Ordinance is to authorize a limited number of facilities to be licensed in the Township to provide safe and more conveniently available medical marihuana for Township residents that are qualifying patients or primary caregivers while attempting to minimize the negative impacts on public health, safety, welfare, and community resources from the growing, processing, transportation/storage, testing, and purchase/sale of medical marihuana by licensed facilities.
- (b) The intent in requiring facilities to have a Township license in addition to a state license and establishing local regulations in addition to state regulations is to recognize and address local impacts on the Township, its residents, and property owners from the commercialization of medical marihuana, and protect the public over medical marihuana facility interests, which shall at all times be subordinate to the interests of the Township and public it serves.
- (c) As with any Township business license, a license issued under this Ordinance is a revocable privilege and there is no intention to confer a property right to operate, or obtain or retain a license to operate, a medical marihuana facility in the Township.
- (d) This Ordinance and any licenses issued under it are not intended to and do not provide any protection or exemption from federal law, under which marihuana is an illegal controlled substance, and the Township and its officials, employees, and agents shall not be construed as approving, encouraging, aiding or abetting the violation of that or any other marihuana related law based on actions and decisions under this Ordinance.
- (e) Considering (i) the large number of anticipated license applicants for the limited number of facilities authorized, (ii) an objective of promptly having those facilities available to serve qualifying patients and primary caregivers in the Township, (iii) the importance of those facilities being opened, operated, and continued as contributing members of the Township's local business community, and (iv) the anticipated varying degrees of financial resources and background, ties, and involvement with the Township and the residents and community it serves of license applicants, the license application and review criteria in this Ordinance are intended to identify and favorably consider applicants with the demonstrated ability to promptly open and permanently operate a proposed facility in a safe, responsible, professional, and civic minded manner that will contribute to, support, and have a positive effect on the health, safety, and welfare of the public in the Township including its residents, property and business owners, and civic, community, and charitable organizations and causes.
- (f) The authorization of the limited number of facilities that may be licensed under this Ordinance is not intended and shall not be construed as a commitment, agreement, or obligation by the Township to approve licenses for all or any of those facilities. The intention is that any decision to approve or deny a license application that is not required to be denied for reasons specified in this Ordinance shall be in the sole and absolute

discretion of the Township Board of Trustees exercised in accordance with the specified license application review criteria and substantial, material, and competent evidence in the record.

**Sec. 10-294. Definitions.**

- (a) In addition to the rules of construction and definitions contained in Sections 1-002 and 10-053, words, terms, and phrases used in this Ordinance shall have the meanings defined in the following state laws, that are adopted by reference, unless defined differently in this Ordinance:
  - (1) Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
  - (2) Michigan Medical Marihuana Act, MCL 333.26421 et seq.
  - (3) Marihuana Tracking Act, MCL 333.27901 et seq.
  - (4) Medical Marihuana Facilities Administrative Rules, R 333.201 et seq.
- (b) As used in this Ordinance, the following words, terms, and phrases shall have the meanings indicated.

**Act or MMFLA** means the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq.

**Applicants** means (i) the person in whose name a license is applied for as the Named Applicant, (ii) managerial employees of the Named Applicant, (iii) all persons who hold any direct or indirect ownership interest of more than 10% in the Named Applicant, (iv) the persons identified in Section 102(c) of the Act (MCL 333.27102(c)) based on the type of Named Applicant, and (v) any spouses of the persons identified in (i) – (iv).

**Application** means the application form and documents described in Section 10-300(b).

**Facility** means a specific location at which a person is licensed to operate under this Ordinance as a grower, processor, provisioning center, safety compliance facility, or secure transporter of or for medical marihuana, but does not include a location at which up to six (6) primary caregivers are only engaging in medical use of marihuana as defined, allowed, and limited in the MMMA and Township Zoning Ordinance.

**Grower** means a person located in Michigan, who cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center or another grower as medical marihuana only.

**License** means a license issued by the Township under this Ordinance for a facility.

**Licensee** means a person issued a Township license under this Ordinance for a facility.

**Medical marihuana** means marihuana and marihuana-infused products to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Medical Marihuana Act or MMMA** means the Michigan Medical Marihuana Act, 2008 IL MCL 333.26421 et seq.

**Named Applicant** means the person in whose name a license is applied for.

**Person** means an: (i) individual, (ii) privately or publicly held or nonprofit corporation, (iii) limited liability company, (iv) general, limited, or limited liability partnership, (v) multilevel ownership enterprise, (vi) trust, or (vii) other legal entity.

**Processor** means a person located in Michigan who purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer as medical marihuana only in packaged form to a provisioning center or another processor.

**Provisioning center** means a person located in Michigan who purchases marihuana from a grower or processor and sells, supplies, or provides medical marihuana to qualifying patients, directly or through the patients' primary caregivers, and includes any location where medical marihuana is sold at retail only to qualifying patients or primary caregivers. A location only used by a primary caregiver to assist a qualifying patient connected to the caregiver through the registration process under the MMMA is not a provisioning center under this Ordinance.

**Primary caregiver** means a primary caregiver who has been issued a current registry identification card under the MMMA and MMMA Rules.

**Qualifying patient** means a qualifying patient who has been issued a current registry identification card under, or a visiting qualifying patient as defined in, the MMMA and MMMA Rules.

**Rules** means the administrative rules promulgated to implement the Act, R 333.201 et seq.

**Safety compliance facility** means a person that takes medical marihuana from a facility or receives it from a registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the medical marihuana to the facility or caregiver.

**Secure transporter** means a person located in Michigan that stores medical marihuana and transports medical marihuana between facilities for a fee.

**State Board** means the medical marihuana licensing board created under Part 3 of the Act.

**State license** means a license issued by the State Board under the Act allowing a person to operate as a grower, processor, provisioning center, safety compliance facility, or secure transporter.

**Tracking Act** means the Michigan Marihuana Tracking Act, Public Act 282 of 2016, MCL 333.27901 et seq.

**Sec. 10-295. Relationship to federal and state Laws.**

- (a) *Relationship to Federal Law.* As of the effective date of this Ordinance, marihuana is classified as a Schedule 1 controlled substance under federal law, which makes it unlawful to manufacture, distribute, cultivate, produce, possess, sell, dispense, provide or transport marihuana. Nothing in this Ordinance shall be considered or construed to be or is intended to grant immunity from or a defense against any criminal prosecution under federal law.
- (b) *Relationship to State Law.*
  - (1) Nothing in this Ordinance or a license issued under it is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, provisioning, distribution or transport of marihuana in any form, that is not in strict compliance with the MMMA, the Act, the Tracking Act, and the Rules, strict compliance with which is a requirement and condition for issuing, continuing, and renewing any license under this Ordinance, with noncompliance being grounds for revocation or suspension of such licenses.
  - (2) This Ordinance and its license requirement does not apply to primary caregivers engaged in the medical use of marihuana at a location and in compliance with the MMMA or to persons that own or have possession and control of a location where up to six (6) primary caregivers are proposed to be engaged in the medical use of marihuana under the MMMA provided that the location is in a Zoning District that allows such use and all approvals, permits, and certificates required by the Zoning Ordinance, State Construction Code, and all other Township Ordinances are obtained and complied with.

**Sec. 10-296. Liability to and indemnification of Township.**

- (a) By accepting a license issued under this Ordinance, the licensee waives and releases the Township and its officials, employees, agents, and insurers from any liability for injuries, damages or liabilities of any kind that may result from any arrest or prosecution of facility owners, operators, employees, clients or customers for a violation of state or federal laws.
- (b) By accepting a license issued under this Ordinance, the licensee agrees to indemnify, defend and hold the Township and its officials, employees, agents, and insurers, harmless against all liability, claims or demands for bodily injury, sickness, disease, death, property loss or damage, or any other liability, including for: (i) injury to business or diminution of property value by a property owner whose property is located in proximity to a facility; (ii) claims arising out of the operation of, or use of a product cultivated, processed, distributed or sold by or from, a facility; (iii) alleged violation of the federal Controlled Substances Act, 21 U.S.C. §801 et seq.; and (iv) costs, expenses, and attorney fees incurred by the Township in defending its decision to approve the license.

**Sec. 10-297. Facility licensing required.**

No person shall act as a grower, processor, provisioning center, safety compliance facility, or secure transporter in the Township without applying for, obtaining, maintaining, and complying with a facility license from the Township under this Ordinance.

**Sec. 10-298. Authorized medical marihuana facilities, licenses, annual fee, and limitations.**

- (a) As provided in Section 205 of the Act, MCL 333.27205, the types and maximum number of medical marihuana facilities allowed in the Township for which the Township may issue a license are as follows:

<u>Type of Facility</u>	<u>Maximum Number</u>
Grower	2
Processor	2
Provisioning Center	2
Safety Compliance Facility	2
Secure Transporter	2

- (b) Nothing in this Ordinance obligates the Township to approve all of the licenses authorized in subsection (a).
- (c) A separate license shall be required for each facility. More than one (1) type of facility license may be applied for, approved, and issued for the same location. No more than one (1) of each type of facility license may be applied for, approved and issued for the same location.
- (d) As authorized by Section 205 of the Act, MCL 333.27205(2), an annual nonrefundable fee of \$5,000.00 is established for each license that is issued.
- (e) As provided in Section 10-057, licenses are not transferrable or assignable to a different location or licensee.
- (f) A facility licensed under this Ordinance shall not be eligible for any real or personal property tax abatement or other decrease or advantage under any Township ordinance, policy, or program, with the filing of a license application constituting a voluntary waiver by the applicant of such abatement, decrease, or advantage.

**Sec. 10-299. Facility location and minimum requirements.**

- (a) A facility license is not authorized and shall not be applied for, approved, or issued:
  - (1) For a location that is not separated from residentially zoned property, child day care facilities not on residentially zoned property, educational facilities, religious facilities, and recreational facilities other than a boat launch, boat livery, fitness center, golf course, golf driving range, or health/recreation facility as established under and defined in the Township Zoning Ordinance, by:
    - a. A public street having at least five (5) paved motor vehicle lanes; or
    - b. At least 750 feet for grower facilities and 500 feet for all other facilities, with the measurement to be the shortest distance along the centerlines of public streets between property or zoning lines extended to those centerlines.

The locations of properties and facilities listed above shall be shown on a Medical Marihuana Facility Protected Location Map to be prepared, maintained, and kept

current by the Zoning Official and publicly available for inspection and copying in the offices of the Zoning Official and Township Clerk.

- (2) For a location that will not be lawfully connected to and serviced by the Township's public water and sanitary sewer systems.
  - (3) Unless all facility operations except vehicle parking will be inside a fully enclosed building.
  - (4) For a location that does not have direct access to a public or private right-of-way as required by Section 2-301 of the Township Zoning Ordinance.
  - (5) For a location in a District under the Township Zoning Ordinance that does not allow the proposed facility as a permitted principal use or permitted use after wellhead protection compliance.
  - (6) For the expansion or substantial improvement of a building or property that increases its nonconformity unless allowed under Section 2-702 of the Township Zoning Ordinance.
  - (7) For a property that has any past due property taxes, special assessments, water and sewer bills, or other financial obligation to the Township.
  - (8) If the corresponding state license has not been applied for or has been denied.
- (b) The Named Applicant is responsible for determining if a license application is prohibited by subsection (a). If a license application is submitted in violation of subsection (a) it shall be denied and the application fee shall be forfeited to the Township.

**Sec. 10-300. Overview of license application, approval and issuance procedure.**

- (a) The license procedure involves four (4) stages which are: (i) Application to Township Clerk, (ii) Application review and processing by Township personnel (iii) Decision on license application by Township Board, and (iv) License issuance by Township Clerk.
- (b) A license application shall not be accepted by the Township Clerk for filing if it is for a type of facility license that is not available because the number of authorized licenses for that type of facility under Section 10-298 have already been approved for issuance by the Township Board.
- (c) A license application for a facility shall not be filed until after an application prequalified under the Rules as satisfying the requirements of MCL 333.27401(1) in the Act and R 333.205(2) and R 333.206 in the Rules for the corresponding state license has been made. The Township Board shall not consider approving a license if the corresponding state license has been denied.
- (d) Any Township Board approval or approval with conditions of a license for a facility shall expire after one (1) year or such later date as approved by the Township Board.

- (e) The Township Clerk shall not issue a license approved by the Township Board beyond the expiration of that approval and until all conditions of that approval have been satisfied and the annual license fee has been paid.

**Sec. 10-301. License application requirements.**

- (a) Applications for a facility license shall be filed with the Township Clerk's office by personal delivery and be accompanied by a nonrefundable application fee for each license applied for in an amount established by resolution of the Township Board as provided in Section 10-055. The filing of an application constitutes consent to inspection of the proposed facility location by employees or agents of the Township and agreement to the limited right to appeal a Township decision on the application provided for in Section 10-307 as the sole judicial relief and remedy available for challenging such decision.
- (b) The Application shall consist of one (1) paper original and an electronic version in a media form acceptable to the Clerk's office of a completed Application form (form provided by the Clerk's office) that identifies the Named Applicant and type of facility license applied for, certifies under oath that none of the conditions prohibiting the application from being filed as described in Section 10-299(a) exist, and contains the information required in subsections (a) – (c), (g), (j), and (k) of Section 10-071. The following information shall be attached to the application form on separate documents prepared by the Named Applicant and numbered (1) to (25) to correspond to those numbers in this subsection. All application information, specifically including all disclosures, plans, programs, and commitments, must be prepared and submitted with the understanding and expectation that compliance with those disclosures, plans, programs, and commitments shall be conditions of the facility license applied for.
  - (1) Copy of the application filed and prequalified under the Rules as satisfying the requirements of MCL 333.27401(1) in the Act and R 333.205(2) and R 333.206 in the Rules for the corresponding state license.
  - (2) For the Named Applicant, all of the following information:
    - a. If other than an individual, documentation of when, where, and for what purposes the entity was formed and the articles of incorporation, bylaws, and any agreements under which the entity was formed and operates.
    - b. Documentation of good standing and authority to do business in Michigan.
    - c. All assumed or other names under which the Named Applicant does business.
  - (3) For each of the Applicants, including the Named Applicant, all of the following information:
    - a. Name, position with, and interest held in Named Applicant, and residence addresses, property owned, and businesses operated in Township for the last 10 years, including tax parcel identification numbers for all properties.

- b. Information and criminal records required by Sections 10-071(d) and (e).
  - c. Types, locations, and histories of past and current businesses conducted, including compliance with and violations of ordinances, codes and other laws.
  - d. Types, locations, and histories of other medical or recreational marihuana licensed or permitted businesses in Michigan and other states, including compliance with and violations of licenses and permits.
  - e. Types and histories of prior and current permits, licenses, franchises, contracts, or other approvals from state or local governments.
  - f. Prior dealings and contracts with the Township.
  - g. Presence in, proximity to, and economic, community, or other ties to the Township through offices, facilities, property ownership, Township residents employed, civic, community and charitable groups or causes supported, or otherwise.
  - h. References.
  - i. Prior bankruptcies and details.
  - j. Prior civil litigation and details.
  - k. Prior unfair labor practice complaints and details.
- (4) Written consents or approvals of facility by all Applicants.
  - (5) Documentation of Named Applicant ownership or interest in property (deed, land contract, purchase agreement, lease, option to purchase or lease, or other.)
  - (6) If Named Applicant does not own property, written consent or approval of application by all owners must be provided.
  - (7) Title insurance policy, commitment, or search for property confirming ownership and identifying building, use, or other restrictions, and mortgages, liens, easements, and other encumbrances on property, with copies of all identified documents.
  - (8) Written consents or approvals of proposed facility by owners and occupants of adjoining properties or areas of building proposed for use, if any.
  - (9) Written support for proposed facility from Township property owners, business owners, and residents, if any.
  - (10) Scaled site and building plans of the proposed facility that comply with all license standards, terms, and conditions in Section 10-306, and containing plan sheets showing property lines, building setbacks, elevations and floor plans, the purpose and use of all rooms, parking, walks, driveways, loading and unloading zones,

fences, walls, landscaping, and all areas in which marihuana will be received, stored, grown, cultivated, manufactured, processed, packaged, loaded, unloaded, handled, tested, displayed or dispensed. The plans shall also describe and depict the size, location, text, symbols, and graphics, and actual appearance of all proposed signs at or for the facility.

- (11) If Named Applicant does not own property, a signed document by all owners of the property approving the site and building plans must be provided.
- (12) A signed construction cost estimate for the property and building improvements shown on the site and building plans by a licensed architect or builder competent to provide such an estimate and dated no earlier than three (3) months before the application is submitted.
- (13) Documentation of the sources of funding for the estimated construction cost.
- (14) Contracts, if any, to construct or install any of the improvements on the site and building plans, and estimated time required to start and complete construction.
- (15) A comprehensive facility operation plan that complies with all license standards, terms, and conditions in Section 10-306 and that includes at least all of the following:
  - a. A security plan and narrative depicting and fully describing the manner and equipment by which the applicant will comply with the requirements of this Ordinance and any other applicable law, rule, or regulation, and the details of all security arrangements to protect the facility and the safety of its employees and members of the public who are lawfully on the premises of the facility. Each facility must be protected by one (1) or more private security guard or private security police personnel covered by a license issued under Public Act 330 of 1968, as amended, that are lawfully armed with a firearm and present 24 hours a day, 7 days a week, with two (2) such guards required at provisioning centers during business hours, with one stationed indoors and the other stationed outdoors.
  - b. For grower and processor facilities, a plan that specifies the methods to be used to ensure compliance with restrictions and limitations on discharges into the wastewater system of the Township and the quantity of water to be used and proposed water supply and service pipes, meters, and plumbing for the facility that has been reviewed and approved by the Public Works Official.
  - c. A lighting plan showing the lighting inside and outside of the facility building.
  - d. A plan for disposal of any marihuana or marihuana-infused product not sold to a patient or primary caregiver that protects any portion thereof from being possessed, used or ingested by any person or animal.

- e. A plan for ventilation of the facility that describes the ventilation and filtration systems that will be used to prevent any odor of medical marihuana off the premises of the business and how the system will be monitored and tested at the licensee's expense to meet all requirements of this Ordinance and the Act, Rules, State license, and other laws and rules regarding odor control and ventilation. For grower facilities, such plan shall also include all ventilation and filtration systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the facility. For processor facilities, such plan shall also include all ventilation and filtration systems used to mitigate and control noxious gases or other fumes used or created as part of the production and processing process.
  - f. A description of all herbicide, pesticide, fertilizer, chemicals, and all toxic, flammable and combustible materials that will be used or kept at the facility, the location of such materials, and how such materials will be stored, used, and disposed of.
  - g. A statement and description by a Michigan licensed electrician of the amount of the projected daily average and peak electric load that will be used by the facility, the electrical wiring and equipment existing or to be installed on the premises to service and meet the demands of the facility, and certification that the premises is or will be equipped in accordance with all applicable codes, to safely receive, use, and dispose of the anticipated and required electric load for the facility.
  - h. A statement and description by a Michigan licensed plumber of the amount of the projected daily average and peak quantity of water that will be used by the facility, the plumbing and equipment existing or to be installed on the premises to service and meet the water demands of and wastewater discharges from the facility, and certification that the premises is or will be equipped in accordance with all applicable codes, to safely receive, use, and dispose of the anticipated water for and wastewater from the facility.
  - i. Proposed hours of operation, which for provisioning centers shall not exceed the hours specified in Section 10-306(l).
- (16) For provisioning centers: (a) a patient education plan that details benefits or drawbacks of marihuana strains or products that will be available at the facility in connection with the debilitating medical conditions set forth in the MMMA; and (b) a description of drug and alcohol awareness programs that shall be provided or arranged for by the applicant and made available for the public.
- (17) The number and type of full and part time jobs that the facility is expected to create, the amount and type of compensation to be paid and benefits to be provided for such jobs, and the commitment or preference to be given to employing Township residents.

- (18) The projected annual budget of the facility that itemizes all expenses, revenue, and sources of operating capital, and any personal guarantees by individual Applicants to provide funding for operations.
- (19) A description of the training and education that the Named Applicant will provide to all employees.
- (20) A description of any community outreach/education plans and strategies proposed to be undertaken and committed to by the Named Applicant.
- (21) A description of any charitable plans, commitments, and strategies, whether fiscally or through volunteer work, proposed to be undertaken in the community or elsewhere and committed to by the Named Applicant.
- (22) Proof of insurance in the form of a certificate of insurance evidencing the existence of commercial general liability insurance on an occurrence basis with limits of liability of not less than \$2,000,000.00 per occurrence and aggregate for personal and bodily injury and property damage that names the Township and its officials and employees as additional insureds, and worker's compensation insurance as required by state law, issued by companies licensed and authorized to do business in the State of Michigan with a rating acceptable to the Township.
- (23) A \$10,000.00 bond in the form of cash, or a surety bond or irrevocable bank letter of credit the language of which has been approved in advance by the Township, that shall be immediately available, forfeited, and payable to the Township if the Named Applicant, any other Applicant, or person on behalf of the Named Applicant files a complaint, petition, claim of appeal, or other proceeding with any court or governmental administrative agency, challenging, contesting, or otherwise seeking to invalidate a Township decision on the Named Applicant's license application or money damages based on the decision. The bond proceeds shall only be used by the Township for the costs and attorney fees incurred in defending such an action, with any unused amounts after a final, unappealable decision to be returned to the person that paid the bond. The bond shall remain on file until expiration of the time for claiming an appeal under Section 10-307, after which it shall be returned or released if no Claim of Appeal was filed and the Named Applicant and all other Applicants provide the Township with a signed written agreement that waives any and all rights to apply for leave to appeal from the decision or file any other court or governmental agency complaint, petition, or other proceeding against the Township or its official, employees, or agents based on the decision. Until that written agreement is provided, the bond will continue to be held until all applicable statutes of limitations for the filing of claims based on the decision have expired, after which the bond will be returned or released as applicable.
- (24) A waiver of the exemption from Freedom of Information Act disclosure of the application documents under the Act (MCL 333.27205(4)), if a Township decision on a license applied for by the Named Applicant is challenged.
- (25) Any other information the Named Applicant wants the Township Board or Township personnel involved in reviewing and providing reports on the application to consider. Except for communications with the Township Clerk's office regarding

administratively incomplete applications and at a public meeting of the Township Board, APPLICANTS ARE PROHIBITED FROM COMMUNICATING WITH TOWNSHIP BOARD MEMBERS OR TOWNSHIP PERSONNEL PERFORMING REVIEWS OF THE APPLICATION. VIOLATION OF THIS PROHIBITION WILL RESULT IN DENIAL OF THE APPLICATION.

- (c) Upon the personal delivery of the signed paper original and electronic version of an Application and nonrefundable application fee, the Township Clerk's office shall stamp or record the date and time of that delivery on the Application form and provide a copy of that to the person delivering the Application. The Clerk's office shall not stamp or record an Application as filed without the required paper original and electronic version and application fee.
- (d) The Township Board will only consider and act on Applications that are administratively complete as required in subsection (b), and in the case of multiple applications for the same type of facility license, will consider them in the order they were administratively completed with the Clerk's office. Named Applicants assume all risks of an administratively incomplete filing. The Clerk's office has no obligation or duty to review and determine if an Application is administratively complete prior to accepting it for filing.
- (e) A Named Applicant may withdraw an Application within five (5) business days of filing it by signing and delivery of a written notice of withdrawal to the Township Clerk's office. Upon a timely withdrawal, 95% of the otherwise nonrefundable application fee shall be returned.
- (f) To the extent required by Section 205 of the Act (MCL 333.27205(4)), and not waived by a Named Applicant, the application documents submitted for a facility license are exempt from disclosure under the Freedom of Information Act. This exemption shall not apply to the completed Application form with the information specified in the first paragraph of subsection (b), and to reviews, reports, and recommendations under Section 10-302 that contain information from those documents.

**Sec. 10-302. License application review and processing.**

- (a) The Township Clerk's office shall review the Application form and attachments, and within 20 business days after accepting the Application for filing, will notify the Named Applicant in writing if the Application form is not administratively complete or any of the Application attachments specified in Section 10-301(b) (1) through (24) are missing, have not been submitted in the required order, or are incomplete due to the absence of some responsive language or document for each. That review shall not be for the sufficiency or substance of the responsive language or document. Corrective or supplemental application documents submitted in response to such a notice shall be reviewed by the Clerk's office within 10 business days of receipt. If still administratively incomplete, the Clerk's office shall issue a final notice of such incompleteness and opportunity for correction to the Named Applicant. If the Application is not administratively complete within 10 business days of that notice, it shall be treated and considered as abandoned and the application fee shall be forfeited to the Township. Only administratively complete Applications shall be distributed by the Clerk's office for review as provided in this section.

- (b) Upon determining an Application to be administratively complete, the Clerk's office shall distribute copies to the following Township personnel for review, investigation, and submission of reports to the Clerk's office within 60 days, or a longer time approved by the Township Board based on the number of Applications to be reviewed:
- (1) Zoning Official, whose report shall be under the standards in Section 10-075 and shall also address:
    - a. Compliance with the facility location and minimum requirements in Section 10-299(a), subsections (1), (3), (4), (5) and (6).
    - b. Compliance of the site and building plans with the Zoning Ordinance, including identification of the nature and extent of any variances that would be required.
    - c. Compliance and consistency of the facility operation plan with the Zoning Ordinance.
    - d. Any Zoning Ordinance based concerns with the title documents.
    - e. Any opinion on the accuracy of the construction cost estimate.
    - f. Any Zoning Ordinance based concern with any aspect of the application.
    - g. A comparison of the site, building, and facility operation plans to those plans for other applications for the same type of facility license with respect to compliance with or exceeding minimum standards under the Zoning Ordinance.
  - (2) Police Chief, whose report shall be under the standards in Section 10-074 for each Applicant and shall also address:
    - a. Any law enforcement concerns with the site and building plans.
    - b. Any law enforcement concerns with the facility operation security plan.
    - c. Any law enforcement concerns with the facility operation lighting plan.
    - d. A comparison from a law enforcement perspective of the site, building, facility operation security, and facility operation lighting plans to those plans for other applications for the same type of facility license.
  - (3) Fire Chief, whose report shall address:
    - a. Compliance of the site, building, and facility operation plans with the Township's Fire Prevention Code, including the provisions regarding storage, use, and disposal of herbicides, pesticides, fertilizer, chemical, toxic, flammable, and combustible materials.
    - b. A comparison of site, building, and facility operation plans to the plans for other applications for the same type of facility license with respect to

complying with or exceeding the minimum standards under the Fire Prevention Code.

- (4) Building Official, whose report shall address compliance of the site, building, and facility operation plans with the State Construction Code, and:
  - a. Any opinion on the accuracy of the construction cost estimate.
  - b. The proposed electrical load as described in the facility operations plan.
  - c. A comparison of the site, building, and facility operation plans to those plans for other applications for the same type of facility license with respect to complying with or exceeding the minimum standards under the State Construction Code.
  
- (5) Public Works Official, whose report shall address:
  - a. Compliance with the facility location requirements in Section 10-299(a)(2).
  - b. The proposed water usage demand and wastewater discharge plan as described in the facility operation plan.
  - c. Compliance of the site, building, and facility operation plans with the Township's Water and Sewer Ordinances and requirements under those Ordinances.
  - d. Identification of any delinquent water and sewer bill payments in the last 10 years on accounts in the name of any of the Applicants.
  - e. A comparison of the site, building, and facility operation plans to those plans for other applications for the same type of facility license with respect to complying with or exceeding the minimum standards under the Township's Water and Sewer Ordinances and requirements under those Ordinances and the water usage demands and wastewater discharge plans.
  
- (6) Assessing Official, whose report shall address:
  - a. Ownership according to Assessing records.
  - b. If location is a legally recognized tax parcel.
  - c. Compliance with Property Transfer Affidavit filing requirements.
  - d. Current assessed and taxable values.
  - e. Any opinion on the accuracy of the construction cost estimate based on assessing guidelines.
  - f. Any assessing concerns with the title documents.

- (7) Treasurer, whose report shall address:
  - a. The facility location requirement in Section 10-299(g).
  - b. Identification of any delinquent property taxes or special assessments in the last 10 years on accounts in the name of any of the Applicants or for any of the properties in the Township required to be disclosed in the application by Section 10-301(b)(3)a.
  
- (8) Development Services Department Director, whose report shall address:
  - a. Current status and history of compliance or noncompliance of the proposed location with Township Ordinances.
  - b. History of any noncompliance with Township Ordinances by any of the Applicants within the last 10 years.
  - c. Any concern under an Ordinance enforced by the Development Services Department other than the Zoning Ordinance and Construction Code.
  - d. Any opinion on the accuracy of the construction cost estimate.
  
- (9) Human Resources Director, whose report shall address:
  - a. The patient education plan and drug and alcohol awareness program for provisioning center license applications.
  - b. The jobs and employee compensation and benefits description disclosures.
  - c. The employee training and education description.
  - d. The community outreach/education plans and strategies proposal.
  - e. The charitable plans, commitments, and strategies proposal.
  - f. A comparison of the above aspects of the application to those aspects of other applications for the same type of facility license.
  
- (10) A Township employee designated by the Supervisor, whose report shall address:
  - a. The documentation of the Named Applicant's interest in the property and any conditions, restrictions, limitations, or encumbrances on that interest.
  - b. The consents, approvals, and support for the proposed facility.
  - c. A comparison of the consents, approvals, and support for the proposed facility to the consents, approvals, and support in other applications for the same type of facility license.
  - d. The information required of Applicants by Section 10-301(b)(3) c – k.

- e. A comparison of the information required by Section 10-301(b)(3) c – k to that information in other applications for the same type of facility license.
- (c) The reviews under subsection (b) are to be strictly limited to the application as received from the Township Clerk, and in addition to the listed items to be included, shall note any aspects of the application that are not in compliance with a license standard, term, or condition in Section 10-306, or that are not substantively complete with respect to the application requirements in Section 10-301(b). Township personnel shall not communicate with any Applicant regarding an application and Applicants are prohibited from communicating with any Township personnel who is to provide a report. A violation of this prohibition shall be noted in the report that is filed and be grounds for denial of the application.
- (d) Upon receiving the reports required by subsection (b), the Clerk shall place the application on the Agenda of a regular meeting of the Township Board in accordance with the following:
  - (1) If it is the only administratively complete application that has been filed with the Clerk for that type of facility license as determined under Section 10-302(a), it shall be placed on the next Agenda that is at least 10 days after the last report was received.
  - (2) If at the time the last report is received there are one or more other administratively complete applications that have been filed with the Clerk for that type of facility license, it shall be placed on the first regular meeting Agenda that is at least 10 days after the Clerk receives the last review report by Township personnel for those other applications.
  - (3) The Clerk shall provide written notice to the Named Applicant of the date and time of that meeting and that an authorized representative of the Named Applicant must be in attendance.
- (e) Upon identifying the Township Board meeting at which an application will be considered, the Clerk shall provide each Board member with a copy of the application, which is exempt from disclosure under the Freedom of Information Act, and each of the reports from Township personnel.

**Sec. 10-303. Township Board procedure and decision on applications.**

- (a) Except for the Clerk regarding incomplete applications, Township Board members are prohibited from any communications with any of the Applicants or persons on behalf of any of the Applicants regarding an application.
- (b) At its first meeting to consider an application for a facility license, the Township Board may:
  - (1) Refer the application and reports and any other applications and reports for the same type of facility license to a committee with no more than three (3) members of the Board for further review, investigation, and/or a recommendation.

- (2) Refer the application and reports and any other applications and reports for the same type of facility license to the Township Attorney for review.
  - (3) Request additional information from or ask questions of the Named Applicant regarding the application.
  - (4) Postpone consideration of the application and any other applications and reports for the same type of facility license to a future meeting.
  - (5) Make a decision on the application.
- (c) If the Board is considering multiple applications for the same type of facility license, it shall consider those in the order in which the applications were administratively completed as determined under Section 10-302(a). If as a result of the Board approving an application, there are no remaining authorized licenses for that type of facility under Section 10-298, the remaining applications for that type of license shall be denied for that reason. If the Board's approval of another application was with conditions under subsection (e), the denial of the other applications shall be subject to the approved Named Applicant accepting those conditions in the time and manner required by subsection (h). If the Approved Named Applicant does not do that, the remaining applications shall be placed for Consideration on the Agenda for the next regular Township Board meeting that is at least 10 days after the approved Named Applicant's deadline for acceptance of the conditions.
- (d) If any of the following circumstances exist, an application shall be denied without consideration of the license application review criteria in Section 10-304:
- (1) The facility license was not to be applied for and may not be approved or issued because of noncompliance with one (1) or more of the reasons listed in Section 10-299(a).
  - (2) Prohibited communication or attempted communication by an Applicant with Township Board members or Township personnel who are to perform reviews of the application.
  - (3) The type of facility license applied for is not available as a result of prior Township Board unexpired approvals and/or Township Clerk issuance of all of the authorized licenses for that type of facility under Section 10-298(a).
  - (4) The application is not substantively complete with respect to one (1) or more of the application requirements in Section 10-301(b).
  - (5) The application contains knowingly false information as documented in a report from Township personnel.
  - (6) Any Applicant's 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 10 years or conviction of a controlled substance-related felony within the past 10 years.
  - (7) If, within the past 5 years, any Applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been

found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.

- (8) Any Applicant is a member of the State Board or Township Board.
  - (9) Any Applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state.
  - (10) Failure of the Named Applicant to have an authorized representative at a meeting it was notified of unless a written explanation of that absence acceptable to the Township Board is provided prior to the meeting.
- (e) If an application is not denied under subsection (d), the Township Board shall decide whether to approve, approve with conditions, or deny the application based on compliance with the license standards, terms, and conditions in Section 10-306, the application review criteria in Section 10-304, and the other standards and requirements in this Ordinance. Conditions on an approval may include changes to any of the plans, programs, commitments, or other aspects of the proposed facility and its operation submitted as part of the application.
  - (f) The Township Board decision shall be made by an approved motion during an open meeting of the Board but shall not be final until it has been placed in writing and adopted by the Board as its final decision at a subsequent meeting, which shall be considered the date of the decision for all purposes. The Board's final decision shall be sent by the Clerk to the Named Applicant.
  - (g) Section 10-077, that otherwise allows the Township Board to grant a variance from minimum licensing requirements shall not be applicable to licensing requirements under this Division.
  - (h) If the Township Board conditionally approves an application, any conditions that are not based on the application or a part of every license under Section 10-306, must be accepted by the Named Applicant filing a written acceptance signed by an authorized representative with the Township Clerk within 10 business days of the Clerk's sending the Board's final decision to the Named Applicant.
  - (i) Subject to a timely filed acceptance of conditions under subsection (h), a final decision to approve or conditionally approve an application reserves that type of facility license for the Named Applicant and authorizes the Township Clerk to issue it for a period of one (1) year after the Township Board's final decision, or such later date as allowed by the Township Board, if all of the following conditions are satisfied and documented by filings with the Township Clerk within that time:
    - (1) For a conditional approval, the Named Applicant's written acceptance of the conditions is filed with the Clerk in the time and manner required by subsection (h).

- (2) The corresponding state license for that type of facility is issued.
- (3) Any Zoning Ordinance change of use, site plan, or other approvals necessary for issuance of construction permits being obtained and complied with.
- (4) Construction permits being obtained and complied with.
- (5) A final certificate of occupancy being issued.
- (6) Payment of the annual license fee of \$5,000.00 as required and provided for in Sections 10-298(d) and 10-305(b).
- (7) Satisfaction of any Township Board approval conditions.
- (8) Satisfaction of all license issuance requirements in Section 10-305.
- (9) A current certificate of insurance conforming to Section 10-301(b)(22) and confirming insurance coverage through the end of the term of the license to be issued.

**Sec. 10-304. Township Board license application review criteria and record.**

- (a) In reviewing and acting on applications for facility licenses under this Ordinance, specifically including when there are more applications entitled to consideration for a type of facility license than are authorized under Section 10-298, the Township Board shall base its decisions on one or more of the following criteria consistent with the legislative intent expressed in Section 10-293 and the competent, material, and substantial evidence in the record.
  - (1) Unconditional ownership and possession of property.
  - (2) If not unconditionally owned and possessed, the nature, extent and length of Named Applicant interest in and rights to unconditionally possess, manage, and control property.
  - (3) Written consents or approvals of proposed facility by all persons with interest in property.
  - (4) Use of existing vacant building for facility will be a favorable consideration.
  - (5) Facility in a stand-alone building will be a favorable consideration.
  - (6) Shortness of period of time needed for facility to be ready for use.
  - (7) Accuracy of cost estimate and existence of available funding for construction, operation, and maintenance of facility.
  - (8) If applicable, reduction or elimination of nonconformities with Zoning Ordinance.

- (9) Existence of ready-to-file site and building plans for zoning and building code approvals.
- (10) Compliance without variances from, and nature and extent to which proposed facility exceeds, minimum Zoning Ordinance, Fire Prevention Code, State Construction Codes, Water and Sewer Ordinance, other Township Ordinance, and other applicable law minimum standards.
- (11) Police Chief approval of site, building, and facility operation security and lighting plans from law enforcement perspective.
- (12) If there are multiple applicants for the same type of facility license, the comparisons by the Zoning Official, Police Chief, Fire Chief, Building Official, Public Works Official, Human Resources Director, and Township employee designated by the Supervisor under Section 10-302(b).
- (13) The manner or nature and extent to which a proposed facility and operations exceed minimum standards under the Act, Rules, or decisions or determinations by the State Board.
- (14) Design, construction, operation, supervision, monitoring, and testing that eliminates or otherwise limits and controls all nuisance and public safety concerns with the facility, including regarding odors, hazardous materials, waste disposal, traffic, parking, security, crowd control, and hours.
- (15) The skills, experience, and qualifications of the Named Applicant and its personnel to construct, operate, and maintain the proposed facility.
- (16) The number of, and wages, benefits and training for, full and part-time employees and extent of any commitment to employ Township residents.
- (17) Written consents/approvals of owners and other occupants of building and adjoining properties.
- (18) Written support from Township property owners, business owners, and residents.
- (19) Charitable or other commitments to benefit groups and programs in the Township.
- (20) Nature and length of presence, involvement, or activities in Township of Named Applicant and Applicants.
- (21) Length of time and purposes for which the Named Applicant has legally existed, its formation, good standing, and authority to do business in Michigan, and the number and extent to which other persons will be personally responsible for the Named Applicant as a Licensee.
- (22) The Named Applicant's and Applicants' past compliance with governmental permits, licenses, franchises, contracts, other approvals, and criminal or civil laws.

(23) The Named Applicant's and Applicants' lack of prior bankruptcies, civil litigation, and unfair labor practices.

- (b) The Township Board's record for license application decisions shall consist of the application, the Township personnel reports under Section 10-301(b), and the Minutes of Township Board meetings at which an application is considered, any committee reports or recommendations, any additional information from the Named Applicant, and the Board' final decision under Section 10-303.

**Sec. 10-305. Issuance and renewal of licenses.**

- (a) The Township Clerk shall issue a facility license approved by the Township Board if the documents specified in Section 10-303(i) are received within the time required.
- (b) Licenses are issued on a calendar year basis, expire on December 31st of each year, and shall be for the remainder of the calendar year in which issued, with the required annual license fee prorated. Upon the licensee's written request, the Township Clerk may issue the first license for a facility for the remainder of the calendar year in which issued and the following calendar year if the annual license fee for that following calendar year is also paid.
- (c) There is no right to renewal of a facility license. On or before October 1 of each license year, the Township Board may approve notifying a licensee of the township's intention to not renew the license for specified reasons. Such reasons and notice shall be provided in writing to the licensee at least seven (7) days before a hearing by the Township Board on a date and time specified in the notice at which the licensee shall have the opportunity to be heard before any final Township Board decision on whether the license may be renewed.
- (d) Applications to renew a license for the next calendar year shall consist of a paper original and electronic version of a written request filed with the Township Clerk by November 1 and shall be accompanied by a nonrefundable renewal application fee in an amount established by resolution of the Township Board, an updated certificate of insurance, and by reference to the original application and documents under Section 10-301(b), or last license renewal application as applicable, a description of any changes in the information. The Township Clerk shall distribute the renewal application for review by and compliance status reports from the same Township personnel and for the same purposes described in Section 10-302(b), which shall be provided within 30 days.
- (e) Based on the Township personnel reports and standards in Sections 10-076, 10-078, and 10-079, the Township Clerk shall either approve or deny renewal of the license and notify the licensee in writing of the decision, and if it is to deny, of the right to appeal to the Township Board under Section 10-079(b).
- (f) Licenses shall be in a form determined by the Township Clerk that includes by reference all license standards, terms and conditions under Section 10-306.
- (g) A copy of the license shall be posted at all times in the facility at a location that is readily observable upon entering the facility.

**Sec. 10-306. License standards, terms, and conditions.**

Unless modified by the Township Board in its decision to approve a license, the standards, terms, and conditions in this Section are incorporated by reference in and shall be requirements of every facility license to be complied with at all times.

- (a) The facility shall be constructed, used, operated, and maintained in compliance with the application, as approved by the Township Board, and requirements for licensure under this Ordinance, specifically including:
  - (1) All Township Board license approval conditions.
  - (2) All aspects and elements of the site and building plans submitted with application.
  - (3) All aspects and elements of the comprehensive facility operation plan submitted with the application.
  - (4) The application commitments regarding patient plans and programs, community outreach/education plans and strategies, and charitable plans, commitments, and strategies.
  - (5) The application commitments regarding the number, compensation, benefits, training, education, and Township residency of employees.
  - (6) Payment of all property taxes, special assessments, water and sewer bills, and other financial obligations to the Township on or before the date they are due.
  - (7) Compliance with the indemnification, defend and hold harmless agreement in Section 10-296(b) and maintaining the insurance specified in Section 10-301(b)(22).
  - (8) None of the application information submitted for the license being determined to have been knowingly false.
  - (9) None of the Applicants being convicted of a felony, or convicted of a misdemeanor or found responsible for a violation of law involving a controlled substance, theft, dishonesty, or fraud.
  - (10) None of the Applicants becoming a member of the State Board, Township Board, holding an elective office of a governmental unit of this state, another state, or the federal government, or becoming a member of or employed by a regulatory body of a governmental unit in this state, another state, the federal government, or governmental unit of this state.
- (b) The facility shall be constructed, used, operated, and maintained in compliance with all Township Codes and Ordinances and the following state laws that are adopted by reference as part of this Ordinance:
  - (1) The MMFLA (Medical Marihuana Facilities Licensing Act.)
  - (2) The Tracking Act (Michigan Marihuana Tracking Act.)

- (3) The State license for the facility.
  - (4) The MMMA (Michigan Medical Marihuana Act.)
  - (5) The Rules (Medical Marihuana Facilities Administrative Rules, R 333.201 et seq.)
- (c) All signage and advertising for a facility shall comply with all applicable provisions of the Township Zoning Ordinance. Except for provisioning centers, any exterior signage or advertising identifying the facility as a medical marihuana facility is prohibited. In addition, the following are prohibited:
- (1) Use signage or advertising with the words "weed", "pot", or other slang terms for marihuana, or the words "marihuana", "marijuana," "cannabis" or any other word, phrase, or symbol commonly understood to refer to marihuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols in the signage or advertising.
  - (2) Use signage or advertising with a picture or depiction of a marihuana plant or leaf or a symbol that is intended or commonly understood to represent a marihuana plant or leaf that is visible from outside the marihuana facility.
  - (3) Use advertising material that is misleading, deceptive, false, or that as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors.
  - (4) Advertise in a manner that is inconsistent with the medicinal use of medical marihuana or use advertisements that promote medical marihuana for recreational or any use other than for medicinal purposes.
- (d) There shall be posted in a conspicuous location in each facility a legible sign stating that:
- "1. The possession, use, sale, distribution, growing, cultivation, and transporting of medical marihuana is a violation of federal law.
  2. It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, medical marihuana.
  3. No one under the age of 18 is permitted on this premises."
- (e) A separate security system shall be required for each facility, be maintained in good working order to provide 24 hours per day coverage, and include the following components:
- (1) *Cameras.* Security cameras shall be required to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marihuana or cash maintained at the facility, as well as all potential areas of ingress or egress to the facility. Cameras shall record the operations of the facility to an off-site location with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of sixty (60)

days in a secure offsite location in the Township or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the Township and the recordings shall be provided to the Township Police Department, Oakland County Sheriff's Department and Michigan State Police upon request.

- (2) *Use of Safe for Storage.* The facility shall have and use a safe for storage of any processed marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated in or securely attached to the building structure. For medical marihuana-infused products that must be kept refrigerated or frozen, the facility may lock the refrigerated container or freezer in a manner authorized by the Township in place of use of a safe so long as the container is affixed to the building structure.
  - (3) *Alarm System.* The facility shall have and use an alarm system that is monitored by a company that is staffed 24 hours a day, 7 days a week. The security plan submitted to the Township shall identify the company monitoring the alarm system, including contact information.
  - (4) *Security Guard.* Each facility must be protected 24 hours a day, 7 days a week, by private security guard or private security police personnel covered by a license issued under Public Act 330 of 1968, as amended, that are lawfully armed with a firearm.
- (f) All activities of facilities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted inside the approved facility building and out of public view from outside the facility. No medical marihuana or paraphernalia shall be displayed or kept in a facility so as to be visible from the exterior of the building. All marihuana products kept on premises where marihuana plants are cultivated shall be stored in a locked and enclosed space.
- (g) No licensee, person, tenant, occupant, invitee, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors outside of the facility building. Sufficient equipment, ventilation and filtration systems, and other measures and means of preventing and precluding any smoke, odors, debris, dust, fluids and other substances from exiting a facility building must be installed, provided and maintained at all times. If any odors, debris, dust, fluids or other substances exit a facility building, the owner of the subject premises and the licensee shall be in violation of this Ordinance and shall be jointly and severally liable for such conditions and responsible for the immediate and full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
- (h) The use of any lighting for marihuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs), or other fluorescent lighting. All high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, is prohibited. Light cast by fixtures inside any building used

for marihuana cultivation, production or processing shall not be visible outside the building after 7:00 p.m. or sunset (whichever is earlier) or before 7:00 a.m., prevailing time.

- (i) Unless disclosed in the application and approved by the Township Board, there shall be no accessory uses at a facility.
- (j) Each facility and the building in which it is located are subject to the following requirements:
  - (1) All required building, electrical, plumbing and mechanical permits must be obtained before any work is performed and be complied with before any portion of the building is used.
  - (2) Any portion of the building where any chemicals such as herbicides, pesticides, and fertilizers are or will be stored shall be subject to inspection and approval by the Township Fire Department.
  - (3) Waste materials and hazardous waste shall be handled, stored, and disposed of as required by Article III of Chapter 9 of the Township Ordinance Code and other applicable laws, and the operating systems for waste disposal must be maintained in good working order so they do not constitute a source of contamination in areas where medical marihuana is located.
  - (4) The building, including floors, walls, and ceilings, and all fixtures and equipment in the building must be maintained in good repair and a sanitary condition that is free from the entry of pests and rodents.
  - (5) Each facility must have its own adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- (k) If there are multiple facilities at a single location, or a facility is located in a building adjacent to other use areas, each of those facilities or the facility must:
  - (1) Have separate operations, ventilation, security, fire suppression systems, water service and meter, building sewer, and access from a public area.
  - (2) Be divided within a building from floor to roof.
  - (3) Unless higher performance is required by applicable laws or codes, have a minimum of a one-hour fire separation wall between facilities or adjacent use areas.
- (l) Provisioning centers are subject to the following requirements and restrictions:
  - (1) The hours they are open to the public are limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and 10:00 a.m. to 4:00 p.m. on Sunday.
  - (2) Medical marihuana or medical marihuana paraphernalia shall not be dispensed or distributed outside the building.

- (3) Shall not sell, give, dispense or otherwise distribute to any qualifying patient or primary caregiver who is not a licensee, more usable form of medical marihuana (including the useable marihuana equivalent of medical marihuana-infused products) within any seven-day period of time than the patient or caregiver is allowed to possess by the MMMA.
- (4) Must have two (2) licensed and lawfully armed private security guards or private security police present during business hours, with one stationed indoors and the other stationed outdoors.
- (m) The use, consumption, and possession of alcohol beverages, and the use or consumption of tobacco products, marihuana, and retail marihuana products at a facility is prohibited and marihuana and marihuana-infused products shall not be distributed or provided to any person free of charge.
- (n) Facilities shall not use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marihuana unless the products and process are verified as safe and in compliance with all applicable laws by a written report of a qualified industrial hygienist filed with the application.
- (o) The Township may require a licensee to provide written verification from a qualified industrial hygienist that the manner in which the facility is growing, processing, storing, or handling medical marihuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.
- (p) Licensees shall notify the Township Clerk in writing of any change in the information provided to the Township in the application or to the Township Board within 10 business days of the change. Failure to do so is grounds for suspension or revocation of the license.
- (q) Licensee shall be responsible for taking all lawful actions and measures necessary to prevent or immediately curtail violations of any law at or related to a facility, including but not limited to the Township Ordinances that prohibit the gathering of disorderly persons and loitering, with any such violations to be reported immediately to the Township police department by the licensee.
- (r) During all business hours and other times when a facility is occupied by the licensee or an employee or agent of the licensee, it shall be subject to examination and inspection by the Township for the purpose of investigating and determining compliance with the license and this Ordinance.
- (s) Application for a facility license, operation of a facility, and leasing property for use as a facility, constitutes consent by the Named Applicant, licensee, all owners, managers, and employees of the facility, and the owner of the property to the Township conducting routine examinations and inspections of the facility to ensure compliance with this Ordinance and any license applied for or issued.
- (t) By November 1 of each year, the licensee shall file written documentation with the Township Clerk of licensee's compliance with the Township Board approved charitable plans, commitments, and strategies that were included in the license application.

- (u) Compliance with any future State law that imposes additional or stricter requirements or regulations on a facility shall be an additional requirement of any license issued, renewed, or applied for under this Ordinance.

**Sec. 10-307. Limited Right of Appeal.**

A Named Applicant shall have the right to appeal from a final Township decision on the Named Applicant's license application by filing a Claim of Appeal with the Oakland County Circuit Court within 21 days after the date of the final Township decision as provided in MCR 7.123, with the appeal limited to determination of whether the decision complied with the procedures and discretion of the Township Board under this Ordinance, was authorized by law, and supported by competent, material, and substantial evidence in the record.

**Sec. 10-308. License revocation and suspension.**

Any license issued under this Division may be suspended or revoked by the Township Board under the procedure in Division 3 of this Article.

**Sec. 10-309. Violations and sanctions.**

Violations of this Division or the terms and conditions of a license are municipal civil infractions punishable as provided in Section 1-010(b).

**Section 2 of Ordinance**

Should any Section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

**Section 3 of Ordinance**

This Ordinance shall be published before and take effect on January 4, 2021.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on \_\_\_\_\_, 2020.

CHARTER TOWNSHIP OF WATERFORD

By: \_\_\_\_\_  
Kimberly F. Markee, Township Clerk

\_\_\_\_\_  
Date

Introduced:

Adopted:

Published:

**BOARD OF TRUSTEES**  
 Gary Wall, Supervisor  
 Kimberly Markee, Clerk  
 Margaret Birch, Treasurer  
 Anthony M. Bartolotta, Trustee  
 Art Frasca, Trustee  
 Karen Joliat, Trustee  
 Steven Thomas, Trustee



5200 Civic Center Drive  
 Waterford, Michigan 48329-3773  
 Telephone: (248) 674-2278 Fax: (248) 674-8658  
 www.waterfordmi.gov

**DEPARTMENT OF PUBLIC WORKS**  
 Russell Williams  
 Director  
 Joseph Ashley  
 Water & Sewer Superintendent  
 Justin Westlake  
 Facilities & Operations Superintendent  
 Derek Diederich  
 Administrative Superintendent  
 Frank Fisher  
 Engineering Superintendent

DATE: October 6, 2020  
 TO: Honorable Charter Township of Waterford Board of Trustees  
 FROM: Russell D. Williams, DPW Director *RW*  
 RE: Water Meter Inventory Purchases.

Please see attached quotation from Ferguson Waterworks. This purchase is to restock the DPW Water Service group's residential meter inventory.

Ferguson Waterworks is a 2020 Waterford Township Board approved Single Source Vendor, for the purchase of residential water meters and supplies. Prices provided are Oakland County Pricing.

This is a budgeted purchase from 59043-76900 Water/Sewer, Water Service, Supplies-Meter Materials.

	<b>Requested Board Action</b>	
Approve Purchase From	Account Number	Not to Exceed Value
<b>Ferguson Waterworks #3386</b>	<b>59043-76900</b>	<b>\$112,283.00 + Shipping</b>

Cc: Gary Wall, Township Supervisor  
 Joe Ashley, Water & Sewer Superintendent  
 Julie Wallis, Purchasing Agent

*With us there are no boundaries*



FERGUSON WATERWORKS #3389  
 24425 SCHOENHERR ROAD  
 WARREN, MI 48089-4949

Phone: 586-459-4491  
 Fax: 586-755-5861

<b>Deliver To:</b> <b>From:</b> Matt Rizzo <b>Comments:</b>
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15:18:36 OCT 01 2020

FERGUSON WATERWORKS #3386

Price Quotation  
 Phone: 586-459-4491  
 Fax: 586-755-5861

**Bid No:** B047922  
**Bid Date:** 10/01/20  
**Quoted By:** MLR

**Cust Phone:** 248-618-7410  
**Terms:** NET 10TH PROX

**Customer:** CHARTER TOWNSHIP OF WATER  
 5240 CIVIC CENTER DRIVE  
 METER SALES ONLY  
 WATERFORD, MI 48329

**Ship To:** CHARTER TOWNSHIP OF WATER  
 5240 CIVIC CENTER DRIVE  
 METER SALES ONLY  
 WATERFORD, MI 48329

**Cust PO#:** METER QUOTE

**Job Name:**

Item	Description	Quantity	Net Price	UM	Total
N13341200	R900 V4 WALL MIU	1000	83.250	EA	83250.00
NED2B11REF2	5/8X3/4 T10 MTR ECDR CF W/O REC	200	99.000	EA	19800.00
NED2F11REF2	1 T10 MTR ECDR CF W/O REC	10	185.000	EA	1850.00
NED2H11REF2	1-1/2 T10 MTR ECDR CF L/ RECEPT	3	385.000	EA	1155.00
NED2J11REF2	2 T10 MTR ECDR CF INS L/ RECEPT	3	510.000	EA	1530.00
PSXMCFG	LF BRZ 3/4 MIP X 1 FIP MTR COUP	400	9.000	EA	3600.00
PSXMCQH	LF BRZ 1 MIP X 1-1/4 FIP MTR COUP	60	18.300	EA	1098.00
<b>Net Total:</b>					\$112283.00
<b>Tax:</b>					\$0.00
<b>Freight:</b>					\$0.00
<b>Total:</b>					\$112283.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/WBE/SMALL BUSINESS REQUIREMENTS.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>  
 Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with \*NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



**HOW ARE WE DOING? WE WANT YOUR FEEDBACK!**

Scan the QR code or use the link below to complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=3389&on=2635>

Letter of Agreement  
The Charter Township of Waterford  
And the City of Pontiac

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, A.D. 2020, by and between the Charter Township of Waterford (“Township”) and the City of Pontiac (“City”)

WITNESSETH:

**WHEREAS**, Waterford Township provides Fire Suppression Services to the City of Pontiac, and

**WHEREAS**, The Township, continued to provide dedicated emergency fire response services during the COVID-19 Pandemic and through duration of the State of Michigan Shelter in Place Order and beyond, and

**WHEREAS**, the Township applied for and received Federal CARES Funding as awarded by the Michigan Department of Treasury and has sought or may seek additional reimbursements for the costs of the Pandemic, and

**WHEREAS**, a proportional share of the payroll reimbursement received is to be provided to the City of Pontiac in consideration of the costs paid, and

**WHEREAS**, to satisfy all necessary accounting and possible auditing requirements the parties intend to engage in this Agreement outlining certain conditions of this CARES Act reimbursement;

**NOW, THEREFORE**, in consideration of the below set forth the Parties agree to the following herein:

**Agreement:**

The Township shall make payable to the City a proportional share of the funding received for Fire Service costs incurred and reimbursable as associated with the COVID-19 Pandemic received for grant funding by either the State of Michigan, County of Oakland or the United States Department of Treasury.

Each payment made by the Township to the City shall be co-signed by an authorized party and attached as an Exhibit to this Agreement. The first payment is Attached hereto as Exhibit A.

The City acknowledges that this funding is being provided to the Township by a third party grant funding source. In the event it is determined by the Grant Funder or pursuant to a Court Decision that this funding is ineligible for the expenses to which it was awarded the City shall be responsible for returning the value paid herein to the funder or the Township for any and all funds required to be returned.



Letter of Agreement  
The Charter Township of Waterford  
And the City of Lake Angelus

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, A.D. 2020, by and between the Charter Township of Waterford (“Township”) and the City of Lake Angelus (“City”)

WITNESSETH:

**WHEREAS**, Waterford Township provides Fire Suppression Services to the City of Lake Angelus, and

**WHEREAS**, The Township, continued to provide dedicated emergency fire response services during the COVID-19 Pandemic and through duration of the State of Michigan Shelter in Place Order and beyond, and

**WHEREAS**, the Township applied for and received Federal CARES Funding as awarded by the Michigan Department of Treasury and has sought or may seek additional reimbursements for the costs of the Pandemic, and

**WHEREAS**, a proportional share of the payroll reimbursement received is to be provided to the City of Pontiac in consideration of the costs paid, and

**WHEREAS**, to satisfy all necessary accounting and possible auditing requirements the parties intend to engage in this Agreement outlining certain conditions of this CARES Act reimbursement;

**NOW, THEREFORE**, in consideration of the below set forth the Parties agree to the following herein:

**Agreement:**

The Township shall make payable to the City a proportional share of the funding received for Fire Service costs incurred and reimbursable as associated with the COVID-19 Pandemic received for grant funding by either the State of Michigan, County of Oakland or the United States Department of Treasury.

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PUBLIC SAFETY PUBLIC HEALTH PAYROLL  
REIMBURSEMENT PROGRAM  
EXHIBIT A  
2020 Public Act 123

	REQUESTED	RECEIVED
Total Payroll Amount Requested:	\$2,688,459.04	\$1,344,229.00
Total Payroll Amount Requested Fire Service:	\$1,741,891.78	\$870,945.89
Total Payroll Amount Requested for Police Service:	\$946,567.26	\$473,283.11
Total Payroll Amount Attributable to Waterford Fire: (Waterford Contribution to Fire 2020 Budget 61.2%)	\$1,066,037.77	\$533,018.89
Total Amount Attributable to Pontiac Fire: (Pontiac Contribution to 2020 Fire Budget 37.6%)	\$654,951.31	\$327,475.65
Total Amount Attributable Lake Angelus Fire (Lake Angelus Contribution to 2020 Fire Budget 1.2%)	\$20,902.70	\$10,451.35

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CHARTER TOWNSHIP OF WATERFORD  
AND  
MANAGEMENT AND ADMINISTRATIVE GROUP  
CONTRACT EXTENSION

1. Duration: One year contract extension. January 1, 2020 through December 31, 2020

2. Article III: Pay Practices/Salary

Two Percent (2%) increase effective upon ratification

Since PA 54 does not allow retroactivity, the parties have agreed to pay employees covered by this agreement as of January, 1 2020, one thousand dollars (\$1,000) should this agreement be ratified.

3. Article XVIII: Educational Benefits

The Township will reimburse an employee for costs of tuition, textbook and software required for a class up to a maximum of two thousand dollars (\$2,000) annually.

4. Article VIII: Annual Vacation

Effective January 1, 2020 part-time employees hired into full-time position shall retain seniority earned for vacation benefits at a rate of one month for each 174 hours paid. Existing full-time employees shall begin earning vacation as set forth herein on their anniversary date occurring in 2020.

Township:

Management & Administrative:

  
\_\_\_\_\_  
Mark R. Simlar, Human Resources Director

  
\_\_\_\_\_  
Matthew Covey, Fire Chief

Date: 10-6-2020

  
\_\_\_\_\_  
Alison Swanson, P & R Director

**BOARD OF TRUSTEES**

Gary Wall, Supervisor  
Kim Markee, Clerk  
Margaret Birch, Treasurer  
Anthony M. Bartolotta, Trustee  
Karen Joliat, Trustee  
Steven Thomas, Trustee  
Arthur Frasca, Trustee



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Waterford, Michigan 48329-3773  
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[www.waterfordmi.gov](http://www.waterfordmi.gov)

**Mark Simlar**  
Human Resource Director  
[msimilar@waterfordmi.gov](mailto:msimilar@waterfordmi.gov)

MEMO: October 5, 2020  
TO: Honorable Township Board  
FROM: Mark Simlar, Human Resources Director   
RE: Julie Wallis promotion to Staff Analyst – Accounting Coordinator

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At the September 9, 2020 Township Board meeting the Board approved the position of Staff Analyst-Accounting Coordinator.

Kim Markee, Barb Miller and myself conducted interviews on 09/28/2020 and selected Julie Wallis to be promoted to this position.

Julie has been with the Township since 2013. (Resume attached)

It is my recommendation that the Board approve promoting Julie Wallis to the position of Staff Analyst – Accounting Coordinator.

This position is a Grade 4, Step 5 - \$56,277/yr.

**Objective**

To work in a position that will utilize my skills, talents and experience. To be a team-member working toward accomplishing goals that will help to strengthen my department and the township.

**Employment History**

**Staff Accountant**

12/2013 to Present Waterford Township

- Accounting – including journal entries (verify, allocate, and post entries to ensure reporting accuracy), reconciliations, analyzation of accounts, accruals, fixed assets, auditing preparations, support of month-end and year-end processes, working with multiple departments to discover discrepancies and best practices to resolve reoccurring issues, provide assistance as required by the Finance manager.
- Purchasing – including correspondence with customers and departments for the purchasing process, releasing PO's, verifying the purchases match with proper PO, adjusting items as required, ordering supplies and assisting departments in finding the products they desire for the best value possible. Following the township procurement policy. Fixed Asset tracking and reporting at year end. Assisting with vendor management. Tracking of vehicle titles and asset management
- Grants – reporting and monitoring for all departments within the township. Coordinating with the departments to accurately state the expenses and revenues with each grant and providing the final report for the submission of the SEFA and audit process.
- Pcard process (also part of purchasing) – set up the new Pcard process to interface Chase bank (Smart Data) with Munis and the procedures to follow to post these purchases correctly into Munis. Document the workflow instructions for the different roles in this process which includes Accounts Payable, Department Aides (or designee), and Accounting.
- Assisted with the organization of current record keeping and preserving of historical files within OnBase.
- Elections – assist the Clerk's office with counting and sorting of applications and ballots
- Projects as requested which has utilized my skills with learning new software, implementing new procedures and writing work instructions.

**Office Manager/Accountant**

7/2000 to 8/2012 OMEGA Productive Services, Inc. , Auburn Hills, Michigan

- Bookkeeping (full-charge), accounts payable, accounts receivable, payroll, ISO team management member, administrative secretary, office supply inventory, purchasing, job cost tracking/reporting, coordination of travel, human resource support, management of handbook, associate editor for quarterly newsletter, web-site management
- Purchasing – office supply management and setting up new vendor contracts with pricing and value that would benefit the company.
- Successful implementation/management of ISO 9001:2000 & ISO 9001:2008
- Creation/management of library containing all project binders.

**Care Giver**

11/2009 to 5/2012 ARC/MORC of Oakland County, Private family

- Working with 12 year old autistic boy – teaching daily living skills, speech, sign language, and community appropriate behaviors.

**Office Manager**

10/1989 to 7/2000 Amie's Discount Tire & Service Centers, 5 Locations in Michigan

- Bookkeeping (full-charge), payroll (commissions/straight time), accounts receivable, accounts payable, personnel records, filing, words, customer relations, data entry, inventory, purchasing, daily bank deposits. Supervisor of 2 individuals within the department.

**References**

(available upon request)

## **Bookkeeper**

4/1986 to 10/1989 S & S Tire Center, Waterford, Michigan

(purchased by Arnie's Discount Tire & Service Centers in 1989)

- Bookkeeping

## **Education**

Mott Community College, Flint, Michigan 2001 – 2005

- Associate in Applied Science: Interpreter Education (Sign Language)
- Associates in General Studies

Oakland Community College, Auburn Hills, Michigan 2000 – 2001

- Associates in General Studies

Spring Arbor College, Spring Arbor, Michigan 1980 – 1982

- General Education Courses

## **Computer Proficiency**

Munis, OnBase, Microsoft Office 2003/2007/2010 (including: Excel, Word, Access, Power Point, Publisher), G.B.M.S. (Goodyear Business Management System), Peachtree Premium Accounting for Construction 2008, Qulcken, Front Page, type 70+ words/minute. Strong skills in working with new systems to discover how they work and implementing new procedures/writing work instructions.

## **Extra Curricular/Activities**

Current and/or past – Phi Theta Kappa, sign language, youth group volunteer, praise & worship team, missions committee member, karate, Sunday school teacher, librarian, assistant superintendent for Sunday school, motorcycling, hiking, family, sewing, quilting, crafts, coach for girls and co-ed soccer teams, foreign missions trip, and Teens For Christ volunteer leader.