

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2022-005**

MEDICAL MARIHUANA FACILITY LICENSING ORDINANCE AMENDMENT

An Ordinance to amend the Medical Marihuana Facility Licensing Ordinance codified in Division 12 of Article III in Chapter 10 of the Waterford Charter Township Code to provide for a process to report and review changes in ownership or entity name, after approval of the change by the State of Michigan.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Charter Township Code is amended to provide a process to review approvals from the State to changes in ownership of a licenses to amend Section 10-298 (e) to read as follows:

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

(a) – (d) Unchanged

(e) As provided in Section 10-057, licenses are not transferrable or assignable to a different location but may have changes in ownership or be transferrable or assignable to a different licensee upon approval by the State Board and the Township as provided in Section 10-307.

(f) Unchanged

Section 2 of Ordinance

The Waterford Charter Township Code is amended to deleting the requirement regarding changes in information in Subsection 10-306 (p) to read as follows:

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.

(b) – (o) Unchanged

(p) shall be deleted and moved to Section 10-307

(q) – (u) shall be renumbered to be subsections (p) through (t)

Section 3 of Ordinance

The Waterford Charter Township Code is amended to add a new Section 10-307 to read as follows:

Sec 10-307 License Transfer Request and Requirement to Report Material Changes.

- (a) A conditional approval of an application and an approval of a license are only valid for the owners, officers, members or managers listed in the application or license and only valid for the Named Applicant or named licensee, unless a change is approved as provided herein.
- (b) A Named Applicant that has received conditional approval for a license and a licensee must report material changes to the State Board before making material changes that require prior authorization from the State Board. Material changes must be reported to the Township Clerk within 10 calendar days of the change. Material changes include but are not limited to the following:
 - (1) Change in any owners, officers, members, managers or members listed in the application or license.
 - (2) Change in entity name.
 - (3) Any transfer, sale, or other conveyance of an interest in the entity.
 - (4) For a safety compliance facility any change in its accreditation status by ISO or other accreditation body approved by the State Board.
 - (5) An applicant and a licensee have a duty to notify the Clerk in writing of any pending criminal charge, criminal conviction, felony, misdemeanor and violation of any law or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of marihuana, the MMFLA and of any State Board fine or penalty imposed.
- (c) Transfer of license or Changes to ownership: A Named Applicant may transfer a conditional approval and a licensee may transfer a license issued under this article, to a different entity or make changes to ownership, upon receiving written approval from the State Board and the Township. In order to make a request for Township approval of a change in Applicants or a change in the corporate name, the Named Applicant or licensee must make a written request to the Township Clerk, indicating the current Named Applicant or licensee, the proposed changes to Applicants or licensee and provide the approval from the State Board for the change. The Clerk shall also be provided with the information in Section 10-301 (2) for changes to the Named Applicant or licensee and information in Section 10-301 (3) for changes to the Applicants/licensees. Proposed new Applicants and new license holders may not owe any outstanding obligations to the Waterford Township and shall attest to that in their request to the Clerk.
 - (1) A change in business name without a change in ownership requires a fee of \$200 paid to the Township. If a Named Applicant or licensee is changing its business name and not making any changes to the Applicants, the Clerk may issue a license in the name of the new entity when all other requirements in this article are met. If the Named Applicant or

licensee is removing one or more Applicants or owners without adding new ones, the Clerk shall accept and file the State Board approval of the change.

(2) If the change involves a request to add new Applicants or licensees, or a full transfer of ownership, a transfer application fee of \$2,500 shall be paid to the Township. The Clerk shall provide the transfer application information to Assessing, Treasurer, DPW and the Police Chief. The reporting individuals shall provide their written report to the Clerk within twenty (20) days of receiving the request for a report. The Clerk shall place the transfer request on a Township Board of Trustees meeting agenda. The Township Board shall grant the request so long as there has not been any delinquent property taxes or special assessments owed to the Township by any of the new owners, the State Board authorized the transfer, and the proposed license or application changes meet all requirements outlined in this article. The Township reserves the right to decline any transfer of a license which occurs within the first year of its original issuance.

- (d) Failure to report a Material Change to the Clerk within 10 days of the change is grounds for suspension or revocation of a license or conditional approval.
- (e) No transfer of a location shall be permitted.

Section 4 of Ordinance

Should any part of this ordinance be declared invalid by a Court, it shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 5 of Ordinance

This Ordinance shall take effect immediately upon publication.

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 January 9, 2023.

CHARTER TOWNSHIP OF WATERFORD

January , 2023

By: _____
Kimberly F. Markee, Township Clerk