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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

October 27, 2020

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

RE: Proposed Medical Marijuana Facility Licensing Ordinance Amendment

Dear Township Board Members:

One of the basic requirements under the Licensing Ordinance you adopted on October 26, 2020, was compliance with the administrative rules promulgated by the Michigan Marijuana Regulatory Agency (MRA) under the Michigan Medical Marijuana Act. The definition of those Rules in Section 10-294 and references to them in Sections 10-300, 10-301, and 10-306 of the Ordinance need to be updated.

The Rules defined and cited in the adopted ordinance are technically still in effect but have a sunset date of November 27, 2020, and are not expected to be extended. That is because the MRA has promulgated a new comprehensive set of rules for medical and recreational marihuana facilities that took effect June 22, 2020, that covers the same turf as the old rules in greater detail.

The Ordinance Amendment presented with this letter would update the definition and references to the Rules to the new MRA rules, and possible future amendments or additions to those MRA rules. The actual changes to accomplish that have been tracked. The recommended action at your November 9, 2020, meeting would be a:

Motion to introduce Medical Marihuana Facility Licensing Ordinance Amendment
No. 2020-006 and schedule it for possible adoption on November 23, 2020.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

Gary L. Dovre

Enclosure

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2020-006**

MEDICAL MARIHUANA FACILITY LICENSING ORDINANCE AMENDMENT

An Ordinance to amend the Medical Marihuana Facility Licensing Ordinance by updating and changing the definition of and references to the administrative rules under the Medical Marihuana Facilities Licensing Act.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 10-294(a)(4) and the definition of Rules in Section 10-294(b) of the Waterford Charter Township Code are amended to read as follows:

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 (Rules as defined in subsection (b) R-333.201 et seq.)
- (b) As used in this Ordinance, the following words, terms, and phrases shall have the meanings indicated.

Rules means the administrative rules that have been or in the future are promulgated by the Michigan Marijuana Regulatory Agency under Section 206 of the Act, MCL 333.27206, to implement the Act, R-333.201 et seq. which as of June 22, 2020, are included in the rules codified in the Michigan Administrative Code as R 420.1 through R 420.809.

Section 2 of Ordinance

Section 10-300(c) of the Waterford Charter Township Code is amended to read as follows:

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

- (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.

Section 3 of Ordinance

Section 10-301(b)(1) of the Waterford Charter Township Code is amended to read as follows:

Sec. 10-301. License application requirements.

(b) (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.

Section 4 of Ordinance

Section 10-306(b)(5) of the Waterford Charter Township Code is amended to read as follows:

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

(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.~~)

Section 5 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 6 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

Date

By: _____
Kimberly F. Markee, Township Clerk

Introduced:

Adopted:

Published: