

CHARTER TOWNSHIP OF ALPENA
ALPENA COUNTY, MICHIGAN

ORDINANCE NO. 151

MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS
LICENSING ORDINANCE

AN ORDINANCE TO ESTABLISH A UNIFORMED LICENSING AND REGULATORY PROCESS FOR MEDICAL AND ADULT-USE MARIHUANA BUSINESSES TO THE EXTENT PERMISSIBLE UNDER THE PROVISIONS OF THE MICHIGAN MEDICAL MARIHUANA ACT (MCL 333.26421 et seq.), THE MICHIGAN MARIHUANA FACILITIES LICENSING ACT (MCL 333.27101 et seq.), THE MARIHUANA TRACKING ACT (MCL 333.27901 et seq.), AND THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MCL 333.27951 et seq.), SO AS TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS AND PATIENTS OF THE TOWNSHIP BY SETTING FORTH THE MANNER IN WHICH MEDICAL MARIHUANA FACILITIES AND ADULT-USE MARIHUANA ESTABLISHMENTS MAY BE ESTABLISHED, LICENSED, AND REGULATED IN THE TOWNSHIP; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND TO PARTIALLY REPEAL CHARTER TOWNSHIP OF ALPENA ORDINANCE NO. 136 (THE PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE).

THE CHARTER TOWNSHIP OF ALPENA, ALPENA COUNTY, MICHIGAN, ORDAINS:

Section I. Title.

This ordinance shall be known and cited as the Charter Township of Alpena Medical Marihuana Facilities and Adult-Use Marihuana Establishments Licensing Ordinance.

Section II. Purpose, intent, and relationship to other laws; and Township liability and indemnification.

1. **Purpose.** The purpose of this ordinance is to establish a uniform licensing and regulatory process for medical and adult-use marihuana businesses to the extent permissible under the provisions of the Michigan Medical Marihuana Act (MCL 333.26421 et seq.), the Michigan Marihuana Facilities Licensing Act (MCL 333.27101 et seq.), the Marihuana Tracking Act (MCL 333.27901 et seq.), and the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 et seq.), referred to herein as "the Acts," so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which medical marihuana facilities and adult-use marihuana establishments may be established, licensed, and regulated in the Township. Further, this ordinance is intended to:

- a. provide for a means of cultivation, processing, and distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes and for eligible adults with proper qualifying identification to obtain, possess, and use marihuana for legally allowable individual purposes under the Acts;
- b. protect public health and safety through reasonable limitations on marihuana operations as they relate to noise, air and water quality, neighborhood and patient/customer safety, security for the facility and its personnel, and other health and safety concerns;
- c. protect residential neighborhoods by limiting the location of types of medical marihuana facilities and adult-use marihuana establishments to specific areas of the Township;
- d. impose fees to defray the cost to the Township of the administrative, inspection, and enforcement costs associated with medical marihuana facilities and adult-use marihuana establishments;
- e. coordinate with laws and regulations that may be enacted by the state of Michigan addressing marihuana; and
- f. restrict the issuance of medical marihuana facility and adult-use marihuana establishment licenses only to individuals and entities that have demonstrated an intent and ability to comply with this ordinance.

2. **Legislative Intent.** This ordinance authorizes the establishment of medical marihuana facilities and adult-use marihuana establishments within the Township consistent with the Acts. Further:

- a. Marihuana cultivation and processing can have an impact on health, safety, and community resources, and this ordinance is intended to permit marihuana cultivation and processing where it will have a minimal impact.
- b. The regulations for medical marihuana facilities and adult-use marihuana establishments are not adequate at the state level to address the impact on the Township of the commercialization of marihuana, making it appropriate for local regulation of the impact on the community, as provided for under the Acts and as expressly and impliedly retained by townships under the constitution and laws of the state.

3. ***Relationship to federal law.*** As of the effective date of this ordinance, marihuana is classified as a schedule 1 controlled substance under the federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, cultivate, produce, possess, dispense, or transport marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law.

4. ***Relationship to state law.*** Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, distribution, or transport of marihuana in any form, which is not in strict compliance with the Acts, all applicable rules promulgated by the state regarding marihuana, and all local ordinances, rules, and policies. Strict compliance with all applicable state laws and rules and local ordinances, rules, and policies shall be deemed a requirement for the issuance and renewal of any license issued under this ordinance, and noncompliance with any state or local requirement shall be grounds for revocation or nonrenewal of any license issued under this ordinance.

5. ***Reservation of legislative prerogative.*** The Township reserves the right to amend or repeal this ordinance in any manner, including, but not limited to, the complete elimination of any type or number of medical marihuana facilities or adult-use marihuana establishments authorized to operate in the Township.

6. ***Township liability and indemnification.***

a. By accepting a license issued pursuant to this ordinance, the licensee and all related persons and entities waive and release the Township, and its officers, elected officials, employees, agents, and insurers, from any liability, claims, and demands for injuries, damages, and losses of any kind that result from any arrest or prosecution of medical marihuana facility and adult-use marihuana establishment owners, operators, employees, clients, and customers for a violation of local, state, or federal laws, rules, or regulations.

b. By accepting a license issued pursuant to this ordinance, a licensee agrees to indemnify, defend, and hold harmless the Township, and its officers, elected officials, employees, agents, and insurers, against all liability, claims, and demands arising on account of any alleged violation of the federal Controlled Substances Act, 21 U.S.C. § 801 et seq., article 7 of the Michigan Public Health Code, MCL 33.7101 et seq., and any other applicable federal and state laws, rules, and regulations.

Section III. Definitions.

Through this ordinance, the Township incorporates by reference all definitions contained in the Acts and all state rules, regulations, statutes, and administrative codes enacted for the purpose of regulating medical marihuana facilities and adult-use marihuana establishments.

Section IV. Licensing of medical marihuana facilities and adult-use marihuana establishments.

1. *Local licensing authority.*

a. The Charter Township of Alpena Board of Trustees is designated as the local licensing authority under this ordinance. The Board of Trustees may by resolution delegate its authority or a portion of such authority to a new committee or other designee to act as the local licensing authority. The local licensing authority shall have the duty and authority pursuant to the Medical Marihuana Facilities Licensing Act (“MMFLA”) and the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”) in this ordinance to grant or deny an application, to direct the issuance of a license as described in this ordinance, and to perform such other tasks as set forth in the Acts or in this ordinance.

b. The local licensing authority shall consider applications for new business premises, transfer of ownership, change of location, license premises modification, and any other appropriate application subjects.

c. The local licensing authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority.

d. The local licensing authority shall have the power to require any applicant or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform its duties and functions authorized by this ordinance.

2. *Number of permitted facilities.* The maximum number of each type of medical marihuana facility and adult-use marihuana establishment permitted by the Township is as follows:

Type	Number Permitted in Township
Grower License of Class A (maximum of 100 marihuana plants) as defined in the MRTMA or Class A (maximum of 500 marihuana plants) as defined in the MMFLA	Unlimited
Grower License of Class B (maximum of 500 marihuana plants) as defined in the MRTMA or Class B (maximum of 1,000 marihuana plants) as defined in the MMFLA	Unlimited
Grower License of Class C (maximum of 2,000 marihuana plants) as defined in the MRTMA or Class C (maximum of 1,500 marihuana plants) as defined in the MMFLA	Unlimited
Marihuana Microbusiness	Unlimited
Marihuana Provisioning Center, Marihuana Retailer	Unlimited
Marihuana Processor Medical Marihuana Processor Facility	Unlimited
Marihuana Safety Compliance Establishment Medical Marihuana Safety Compliance Facility	Unlimited
Secure Transporter Medical Marihuana Secure Transporter	Unlimited
Excess Grower	Permitted
Designated Consumption Center	Prohibited
Marihuana Event Organizer	Prohibited
Temporary Event License	Prohibited

3. **Location.** No medical marihuana facility or adult-use marihuana establishment shall be eligible to be issued a license unless, at the time of application for such license, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the Township Zoning Ordinance.

4. **Operation at location provided on application only.** A licensee shall not operate a medical marihuana facility or adult-use marihuana establishment at any place in the Township other than

the address provided in the application on file with the Township Clerk.

5. **Combined facilities.** Multiple types of medical marihuana facilities and adult-use marihuana establishments may operate from a single location if allowed by and pursuant to the Acts, state rules, and the Township Zoning Ordinance. A combined facility and/or establishment shall pay one application fee upon application if the combined facility and/or establishment is applied for concurrently. If a medical marihuana facility or adult-use establishment is added to an existing facility or establishment, a new application fee shall be required.

6. **License and annual fees.**

a. No person shall establish or operate a medical marihuana facility or adult-use marihuana establishment in the Township without first having obtained from the Township and the state a license for each such facility or establishment to be operated. License certificates shall be kept current and publicly displayed within the facility or establishment. Failure to maintain or display a current license certificate shall be a violation of this ordinance.

b. An annual, nonrefundable licensing fee to defray the administrative, inspection, and enforcement costs associated with medical marihuana facilities and adult-use marihuana establishments located in the Township of \$5,000.00 per license shall be paid by the licensee. The licensing fee shall be due and payable upon the approval and issuance by the Township of a license and upon the application for renewal of a license.

c. The fees set forth herein shall be in addition to and not in lieu of any other licensing and permitting requirements and fees imposed by any other federal, state, or local statute, rule, or ordinance.

d. The term of each license shall be one year.

7. **Application requirements.**

a. A person seeking a license pursuant to the Acts and the provisions of this ordinance shall submit an application to the Township on forms provided by the Township. At the time of application, each applicant shall pay a nonrefundable application fee in the amount of \$1,500.00 to defray the costs incurred by the Township for administrative costs, background investigations, and inspection of the proposed premises, as well as any other costs associated with the processing of the application. If the applicant is subsequently issued a license from the Township, the application fee shall be considered part of the

licensing fee described in subsection 6.b above.

b. The applicant shall provide his or her name, entity name, address, date of birth, business address, business telephone number, driver's license, and, if applicable, federal tax identification number.

c. The applicant shall provide a complete copy of the marihuana license application and accompanying documents submitted to the state.

d. The applicant shall provide the identity of every person having an ownership interest in the business with respect to which the license is sought.

e. The applicant shall provide a copy of the deed, land contract, lease, option, and any other pertinent documents related to the applicant's ownership of or right to possess the proposed licensed premises.

f. The applicant shall provide a description of the type of marihuana facility or establishment; three (3) 24 inch by 36 inch (or larger) drawings of the proposed licensed premises, showing, without limitation, building layout; all entryways and exits to the proposed licensed premises; loading zones; parking; all areas in which marihuana will be stored, grown, manufactured, or dispensed; and the anticipated or actual number of employees.

g. For medical marihuana provisioning centers, marihuana retailers, and marihuana microbusinesses, the following requirements apply:

i. The applicant shall present a plan to deter and prevent unauthorized entrance into the facility.

ii. The applicant shall present a plan to deter and prevent unauthorized entrance into the facility.

iii. The applicant shall present a plan for 24/7 video surveillance inside and outside of the facility.

iv. The applicant shall present a plan for secure storage of marihuana and sales proceeds.

v. The applicant shall present a detailed plan for record keeping and inventory management.

vi. The applicant shall present a plan that includes a security system in place to alert the owner of possible tampering with the facility or its contents.

h. Consistent with and to the extent allowed by the Acts and the Freedom of Information Act, MCL 15.231 et seq., the information provided by the applicant to the Township pursuant to this ordinance relative to licensure is exempt from disclosure.

8. *Application review process.*

a. Within fourteen (14) days of application submittal, Township staff will determine if the application is complete and will notify the applicant of any deficiencies.

b. After receiving notification from Township staff pursuant to subsection 8.a above, the applicant shall have fourteen (14) days from the date of the notification to submit additional information.

c. Within thirty (30) days of the application being determined to be complete, Township staff will review the application to determine compliance with this ordinance and shall notify the applicant that the applicant is approved to proceed with the inspection phase.

9. *Denial of application.*

a. The Township shall reject any application that does not meet the requirements of the Acts, this ordinance, or any pertinent provision of any state or Township laws, ordinances, rules, or regulations.

b. In accordance with the Acts, an applicant may be ineligible to receive a license under this section in any of the following circumstances:

i. The applicant has knowingly submitted an application for a license that contains false, misleading, or fraudulent information, or the applicant has intentionally omitted pertinent information from the application.

ii. The applicant fails to meet other criteria established by the Acts or other pertinent laws, rules, and regulations.

iii. The applicant does not submit proof of “approved for prequalification” with the state or does not obtain a state license.

10. *Additional license requirements; issuance of license; grounds for revocation.*

a. *Special use permit and site plan.* The proposed medical marihuana facility or adult-use marihuana establishment shall obtain a special use permit and receive approval of the applicant’s site plan from the Township Planning Commission.

b. *Inspection.* An occupancy inspection of the proposed medical marihuana facility or adult-use marihuana establishment by the Township shall be required prior to the issuance of the operating license in accordance with the currently adopted Michigan Building Code. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the Building Code and any other applicable laws, rules, and regulations.

c. The Township will approve a medical marihuana facility or adult-use marihuana establishment license if the following have been submitted, completed, and approved:

i. An application on a form provided by the Township.

ii. The applicant has paid all application and license fees due to the Township.

iii. The applicant holds an approved and fully authorized state-approved medical marihuana facility or adult-use marihuana establishment license.

iv. The applicant has received and provides an approved special land use permit and site plan from the Township Planning Commission.

v. The applicant has received and provides an approved certificate of occupancy from the Township Building Official.

vi. The applicant has provided sufficient proof that the applicant has and will at all times maintain in full force and effect for the duration of the license workers compensation coverage as required by law and general liability insurance with

minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit, issued from a company licensed to do business in Michigan.

vii. The applicant has satisfied all other requirements set forth in this ordinance.

viii. The applicant will provide any additional information that the Township or its designees reasonably determine to be necessary in connection with the investigation and review of the application.

d. After verification that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the Building Code, this ordinance, the Township Zoning Ordinance, and any other applicable laws, rules, and regulations, the local licensing authority shall direct the Township Clerk to issue a medical marihuana facility or adult-use marihuana establishment license whose term shall run concurrently with the state license for the facility or establishment, subject to the license renewal requirements set forth in this ordinance.

e. *Valid state license.* Maintaining a valid medical marihuana facility or adult-use marihuana establishment license issued by the state is a condition for the issuance and maintenance of the Township medical marihuana facility or adult-use marihuana establishment operating license issued under this ordinance and the continued operation of a medical marihuana facility or adult-use marihuana establishment.

f. *Failure to comply; revocation of license.* In the event that the medical marihuana facility or adult-use marihuana establishment is granted a license, but the licensee (i) fails to comply with the original site plan or special use permit, (ii) otherwise operates inconsistently with the manner in which it was represented on the licensing application, (iii) made a material representation in connection with the application or licensing process, (iv) violates this ordinance or the Acts, (v) creates a public nuisance, or (vi) otherwise operates in a manner detrimental to the public health, safety, and welfare, the Township Board of Trustees, after the provision to the licensee of notice and an opportunity to be heard at a regular or special Board of Trustees meeting, may revoke the license.

11. License renewal.

a. A valid medical marihuana facility or adult-use marihuana establishment license may be renewed on an annual basis by a renewal application upon a form provided by the

Township and payment of the required annual license renewal fee.

b. An application to renew a medical marihuana facility or adult-use marihuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.

c. In the event that a compliant application is not received by the Township by the date of expiration of the license, the license will automatically be revoked, and all operations must immediately cease.

d. A notice of revocation will be provided by the Township to the licensee and to the state, and the licensee will be required to resubmit all required documentation and fees and receive all required approvals as a new entity if the licensee wishes to reopen its business.

e. Prior to the issuance of a renewed medical marihuana facility or adult-use marihuana establishment license by the Township, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this ordinance. The annual, nonrefundable license renewal fee required under this ordinance for each license shall be due and payable upon the submission of the application for renewal of each license.

12. *Transfer, sale, or purchase of license.*

a. A medical marihuana facility or adult-use marihuana establishment license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marihuana facility or adult-use marihuana establishment license are only those persons disclosed in the application or subsequently disclosed to the Township in accordance with this ordinance.

b. Each license is exclusive to the licensee named thereon and the approved location. A proposed licensee must submit an application for licensure to the Township Clerk before a license is transferred, sold, or purchased. The applicant who is receiving the transfer or purchasing the license must submit a new application, along with the required application and license fees, and must have received local licensing authority approval, along with all required local and state approvals, prior to beginning or taking over operations.

c. An attempted or completed transfer, sale, or other conveyance of an interest in a license without Township approval is grounds for suspension or revocation of the license.

d. Immediately following the approval by the Township of a license transfer, the transferee will obtain all interests, rights, and obligations of the prior license holder.

13. ***License as revocable privilege.*** A license granted under this ordinance is a revocable privilege granted by the Township and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.

14. ***General requirements.*** All medical marihuana facilities and adult-use marihuana establishments operating within the Township shall be subject to the following general requirements, in addition to those set forth in the Township Zoning Ordinance, the Acts, applicable rules, the applicable Building Code, and the licensee's approved site plan and special use permit:

a. ***Security.*** Facilities and establishments shall have:

i. a monitored alarm system (24 hours per day and seven days a week);

ii. a safe for all cash, cash equivalents; and marihuana stored in the facility or establishment overnight shall be in a room secured by commercial grade security doors; and

iii. monitored security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled; all security recordings must be maintained for a minimum of forty-five (45) days and provided to law enforcement upon request.

b. ***Display of licenses.*** The licenses issued by the state and the Township shall be prominently displayed within the facility or establishment for clear and easy viewing by the public.

c. ***Systems.*** All facilities and establishments shall have electrical, fire, safety, plumbing, filtration, waste disposal systems, and any other systems required by law, which are appropriate and consistent with best industry practices for the business being conducted.

15. ***Inspection of licensed premises.***

a. Application for a medical marihuana facility or adult-use marihuana establishment

license, operation of a medical marihuana facility or adult-use marihuana establishment, or leasing property to a medical marihuana facility or adult-use marihuana establishment constitutes consent by the applicant, the property owner, and all owners, managers, and employees of the business to permit the Township and law enforcement to conduct routine examinations and inspections of the medical marihuana facility or adult-use marihuana establishment to ensure compliance with this ordinance, the Township Zoning Ordinance, the Acts, and any other applicable laws, ordinances, and rules.

b. During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by the Township and law enforcement for the purpose of investigating and determining compliance with the provisions of this ordinance, the Township Zoning Ordinance, the Acts, and any other applicable laws, ordinances, and rules.

16. *Applicability of state statutes, rules, and requirements.* To the extent the state hereafter adopts any additional or stricter law, rule, or requirement governing the sale, distribution, or handling of medical marihuana or adult-use marihuana, the additional or stricter regulation shall control the establishment or operation of any medical marihuana facility or adult-use marihuana establishment in the Township. Compliance with any applicable state law, rule, and requirement shall be deemed an additional requirement for issuance, renewal, or denial of any license by the Township, and noncompliance with any applicable state law, rule, or requirement shall be grounds for the revocation, suspension, or nonrenewal of any license.

Section V. Prohibited acts.

1. No person under the age of eighteen (18) shall be permitted to enter a medical marihuana facility or adult-use establishment unless the person has a medical marihuana card and is accompanied by a legal guardian over the age of eighteen (18), if such entry is permitted by state law or rules.

2. No marihuana may be smoked, used, or consumed at any medical marihuana facility or adult-use establishment.

3. It shall be unlawful for any licensee to permit the consumption of alcohol on the licensed premises.

4. No medical marijuana facility or adult-use establishment may operate under a temporary certificate of occupancy. A medical marijuana facility or adult-use establishment shall be in full compliance with all applicable legal requirements in order to operate.

5. It shall be unlawful for any licensee holding a provisioning center, retailer, or microbusiness license, or for any agent, manager, or employee thereof, to:

a. sell, give, dispense, or otherwise distribute medical marijuana or adult-use marijuana or paraphernalia from any outdoor location;

b. sell, give, dispense, or otherwise distribute to any patient or primary caregiver who is not a licensee more usable form of medical marijuana (including the useable medical marijuana equivalent of medical marijuana-infused products) within any seven-day period of time than they are allowed by the Acts; and

c. distribute marijuana or marijuana-infused products to a consumer free of charge.

Section VI. Violations; enforcement.

1. In addition to the possible denial, suspension, revocation, or nonrenewal of a license as described in this ordinance, any person or organization who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction, as defined by Section 113 of the Revised Judicature Act of 1961, being Michigan Public Act 236 of 1961, as amended (“the Act”).

2. The Charter Township of Alpena Supervisor, the Charter Township of Alpena Zoning Administrator, and other Charter Township of Alpena officials and employees as may be authorized by the Charter Township of Alpena Board of Trustees are authorized to administer and enforce this ordinance and issue municipal civil infraction citations.

3. A municipal civil infraction action may be commenced upon the issuance by an authorized local official directing the defendant to appear in court.

4. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine, plus costs of prosecution, and can result in the entry of a default judgment against the defendant on the municipal civil infraction.

5. A defendant found responsible by the judge or magistrate for a violation of this ordinance shall pay a fine not to exceed \$500.00, plus costs not to exceed \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.

6. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order (including but not limited to injunctive relief) necessary to enforce this ordinance, in accordance with Section 8302 of the Act.

7. If a defendant fails to comply with an order or judgment issued pursuant to Section 8727 of the Act within the time prescribed by the court, the court may proceed under Sections 8302, 8729, and 8731 of the Act, as applicable.

8. Each day on which any violation of this ordinance continues constitutes a separate offense, and the offender shall be subject to the applicable fine, costs, penalties, and sanctions for each separate offense.

9. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this ordinance.

Section VII. Effective date. This ordinance shall become effective immediately upon its publication as required by law.

Section VIII. Publication; recordation; authentication. This ordinance shall be published once, in full, in a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, within thirty (30) days after its adoption; this ordinance shall be recorded in the record of ordinances book of the Township; and the Township Supervisor and the Township Clerk shall authenticate this ordinance by placing his or her official signature upon this ordinance.

Section IX. Severability. The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the

remainder of this ordinance, which shall continue in full force and effect.

Section X. Partial repeal of Charter Township of Alpena Ordinance No. 136. Charter Township of Alpena Ordinance No. 136, the Prohibition of Marihuana Establishments Ordinance, is hereby partially repealed to the extent that the Charter Township of Alpena Medical Marihuana Facilities and Adult-Use Marihuana Establishments Licensing Ordinance allows a specified type, number, and location of medical marihuana facilities and adult-use marihuana establishments in the Township.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance duly adopted by the Charter Township of Alpena Board of Trustees at a regular meeting held on _____.

I further certify that the following Board members were present at the meeting: _____, and that the following Board members were absent: _____.

I further certify that the Board member _____ moved for adoption of the ordinance, and the motion was supported by the Board member _____.

I further certify that the following Board members voted upon roll call vote for the adoption of the ordinance: _____, and the following Board members voted against the adoption of the ordinance: _____.

Adopted and approved this ____ day of _____, _____, by the Charter Township of Alpena Board of Trustees.

Nathan Skibbe
Charter Township of Alpena Supervisor

Michele Palevich
Charter Township of Alpena Clerk

