

**TOWNSHIP OF WEARE
COUNTY OF OCEANA, STATE OF MICHIGAN**

ORDINANCE NO. 2022-2

ADOPTED: April 11, 2022

EFFECTIVE: _____, 2022

MARIJUANA ESTABLISHMENTS LICENSING AND REGULATION ORDINANCE

An ordinance to effectuate the legislative intent of the Marijuana Establishments Ordinance approved by the Township electors at the special election held on November 2, 2021, pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*; to provide for the licensing and regulation of marijuana establishments within the Township pursuant to the Marijuana Establishments Ordinance; to provide for penalties for violations; to provide for severability and captions; to repeal all other ordinances in conflict therewith; and to provide for an effective date.

THE TOWNSHIP OF WEARE, OCEANA COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known and referred to as the “Marijuana Establishments Licensing and Regulation Ordinance.”

Section 2. Legislative Intent. At the November 2, 2021 special election, the electors of Weare Township passed the Marijuana Establishments Ordinance pursuant to MCL 333.27956. As required and authorized by the Marijuana Establishments Ordinance, the Township intends to issue licenses for and regulate marijuana establishments to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, and the ordinances and regulations of the Township. The Township does not intend that licensing and regulation under this chapter be construed as a finding that such establishments comply with any law, including federal law. By requiring a license and compliance with the requirements of this Ordinance, the Township intends to protect the public health, safety, and welfare of the citizens and residents.

Section 3. Definitions.

- A. Words and phrases contained in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.* (“MRTMA”), and the rules or emergency rules promulgated pursuant to the MRTMA, shall have the same meanings in this Ordinance.
- B. For purposes of the requirements for obtaining a permit under this Ordinance, the terms “establishment” and “marijuana establishment” are intended to include “marihuana establishment” as defined in the MRTMA.

- C. “Applicant” means a person who applies for a Township license.
- D. “Authorized person” means:
- (1) An owner of a establishment;
 - (2) The directors, officers, members, partners, trustees, and individuals of an establishment that is a corporation, limited liability company, partnership, trust, or sole proprietorship;
 - (3) Any person who exercises managerial authority of an establishment during business hours.
- E. “Department” means the Michigan Department of Licensing and Regulatory Affairs or its successor.
- F. “Grower” means a person who cultivates and sells marijuana to other establishments, as permitted by the MRTMA, which includes all of the following:
- (1) “Class A grower”, which is a maximum of 100 plants under the MRTMA;
 - (2) “Class B grower”, which is a maximum of 500 plants under the MRTMA;
 - (3) “Class C grower”, which is a maximum of 2,000 plants under the MRTMA.
- G. “Licensee” means a person holding a Township license under this Ordinance.
- H. “Marijuana” means "marihuana" as defined in the MRTMA.
- I. “Michigan Regulation and Taxation of Marihuana Act” or “MRTMA” means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*, and the rules or emergency rules promulgated pursuant to the MRTMA.
- J. “Marijuana Microbusiness” means a business that cultivates not more than 150 plants; processes and packages it; and sells it to individuals who are 21 years of age or older or to a safety compliance facility but not to other businesses.
- K. “Person” means any individual, copartnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit, in addition to the entities included in the definition of “person” in the MRTMA.

- L. “Planning Commission” means the Weare Township Planning Commission.
- M. “Processor” means a person who operates as a “marihuana processor” as defined in the MRTMA.
- N. “Retailer” means a person who operates as a “marihuana retailer” as defined in the MRTMA. The term “provisioning center/retailer” also includes “retail establishment” as that term is used in the Marijuana Establishments Ordinance.
- O. “Safety compliance facility” means a “marihuana safety compliance facility” as defined in the MRTMA.
- P. “Secure transporter” means a person who operates as a “marihuana secure transporter” as defined in the MRTMA.
- Q. “Stakeholder” shall mean any shareholder of a corporation, partner in a partnership, member of a limited liability company, individual of a sole proprietorship, and/or settlor, trustee, and beneficiary of a trust.
- R. “State license” means a valid state license issued under the MRTMA.
- S. “Township Board” shall mean the Weare Township Board.
- T. “Township Clerk” shall mean the Weare Township Clerk.
- U. “Township license” or “license”, unless the context requires a different meaning, means a valid license that is issued under this Ordinance.
- V. “Zoning Administrator” shall mean the Weare Township Zoning Administrator.
- W. “Zoning Ordinance” shall mean the Weare Township Zoning Ordinance, as amended.

Section 4. Marijuana Facilities Authorized. The Township hereby authorizes, subject to the issuance of a Township license by the Township Board, the following marijuana establishments within the Light Industrial District, the Highway Service Commercial District, and the Neighborhood Commercial District within the Township as those zoning districts are defined pursuant to the Zoning Ordinance:

- A. Combination of Class A Growers or Class B Growers: 20 licenses
- B. Class C Growers: 0 licenses
- C. Processors: 20 licenses

- D. Retailers: 2 licenses
- E. Marijuana Microbusiness: 2 licenses
- F. Safety Compliance Facilities: 1 licenses
- G. Secure Transporters: 2 licenses

The establishments authorized pursuant to this Ordinance are those governed by the MRTMA and not the Michigan Medical Marijuana Facilities Licensing Act, MCL 333.27101 *et seq.*

Section 5. License and Application Fees.

- A. Application Fee. The non-refundable license application fee shall be \$3,500.00 or as otherwise set by resolution of the Township Board.
- B. Annual License Fee. The annual license fee shall be in the amount of \$5,000.00 or as otherwise set by resolution of the Township Board.
- C. Each applicant for a license available under this Ordinance or the annual renewal of a license under this Ordinance shall submit a non-refundable application fee and the annual license fee to the Township for each license sought by the applicant. The application fee and annual license fee are in addition to any other fees required, including, but not limited to, zoning permit fees and other administrative costs as determined by the Township.
- D. Each applicant for a license available under this Ordinance shall also submit all necessary applications, documents, and fees required for a special land use permit and site plan review pursuant to the Zoning Ordinance.

Section 6. Requirements and Procedures for Issuing a Township License.

- A. No person shall operate a marijuana establishment in the Township without a valid Township license issued by the Township pursuant to the provisions of this Ordinance.
- B. No person shall be issued a Township license by the Township without first having obtained a special land use permit and site plan approval from the Weare Township Planning Commission pursuant to the Zoning Ordinance.
- C. No Township official, officer, employee, agent, or contractor shall apply for a license under this Ordinance nor shall any such person have any pecuniary or ownership interest in any marijuana establishment licensed or proposed marijuana establishment applying for a license under this Ordinance.

D. Every applicant for a Township license to operate a marijuana establishment shall file an application with the Zoning Administrator upon a form provided by the Township. The application shall include:

(1) The non-refundable application fee and annual license fee as determined by the Township.

(2) If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information.

(3) If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries and a certificate of trust that complies with the requirements of MCL 700.7913, if a trust, or a copy of the bylaws and/or shareholder agreement, if a corporation.

(4) The name and address of all owners of the real property where the proposed facility is to be located. If the owner of the property is not an individual, identify all Stakeholders of the owner.

(5) Name and address of all proposed business managers of the establishment.

(6) A statement with respect to each person named on the application whether the person has:

(i) Ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 *et seq.*, federal law, or the law of any other state and, if so, the date of the conviction and the law under which the person was convicted; or

(ii) Ever been convicted of any other type of felony under the law of Michigan, the United States, or another state, and, if so, the date of the conviction and the law under which the person was convicted.

(7) A special land use permit issued by the Planning Commission or an completed application for a special land use permit. A license may be conditionally issued under this Ordinance pending subsequent approval of a special land use permit by the Planning Commission.

(8) A signed acknowledgment that the applicant is aware and understands that all matters related to marijuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the Township, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that the applicant may incur as a result of the violation by the applicant, its members, managers, directors, officers, shareholders, stockholders, stakeholders, employees, agents, and trustees of those laws rules, and regulations.

E. MCL 333.27959(4) of the MRTMA requires the Township to establish a competitive process to select applicants who are best suited to operate in compliance with the MRTMA within the Township. All applicants are required to be scored using the applicable scoring rubrics approved by resolution the Township Board. The applicant shall include the following information with their application for consideration by the Weare Township Planning Commission:

(1) A statement detailing the applicant’s qualifications with owning, operating, and/or managing businesses in highly regulated industries, excluding businesses licensed and regulated by the Michigan Marihuana Regulatory Agency or a similar marijuana regulatory agency of another state.

(2) A statement detailing the applicant’s history of owning, operating, and/or managing businesses licenced by the Michigan Marihuana Regulatory Agency or a similar marijuana regulatory agency of another state.

(3) A detailed business plan that includes the following information:

(i) The proposed ownership structure of the establishment, including the percentage of ownership of each person or entity with an interest in the proposed establishment.

(ii) A current organizational chart of the applicant and proposed establishment

that includes position descriptions and the names of each person in such positions.

(iii) A detailed description of the capitalization or proposed capitalization of the establishment in real and/or personal property.

(iv) A detailed operations schedule and plan, including hours and days of operation.

(v) A detailed staffing plan, including descriptions of positions, details of position duties, proposed wages, and staff qualification/hiring criteria.

(vi) A detailed employee handbook and staff training plan designed to insure compliance with the MRTMA and all other applicable statutes, ordinances, rules, and regulations.

(vii) Expected job creation from the proposed marihuana establishment(s).

(viii) Community outreach/education plans and strategies.

(4) A detailed security plan for the establishment.

(5) A location area map of the establishment and surrounding area that identifies the relative locations and the distances (closest property line to the subject marihuana facility's building) to the closest real property comprising a public or private elementary, vocational or secondary school; and church or religious institution, if recognized as a tax-exempt entity by the Township Assessor.

(6) A establishment sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction into the sewerage system is prohibited.

(7) Any other information or documents that may be requested by the Township Board, Planning Commission, and/or Zoning Administrator.

F. Upon the applicant's completion of the application and furnishing of all required information, documents, and fees to the Township, the Zoning Administrator shall file the same and assign it a sequential application number by facility type based on the date and time of acceptance. Initial applications shall not be received by the Township until sixty (60) days following the enactment of this Ordinance and shall continue be received for a period of sixty (60) days thereafter (the "Initial Application Period"). At the expiration of the Initial Application

Period, the Zoning Administrator shall compile a list of each applicant for each available license type. All completed applications filed with the Zoning Administrator during the Initial Application Period shall be submitted to the Planning Commission for review and completion of the scoring rubric process. Each application shall then be scored by the Planning Commission, and the Planning Commission shall make a recommendation to the Township Board for the approval, denial, or approval with conditions of the application. The Planning Commission's recommendation to the Township Board shall not be subject to an appeal to the Zoning Board of Appeals.

- G. The Zoning Administrator shall forward the Planning Commission's recommendation to the Township Board for consideration at the next regularly held meeting. The Township Board shall have the discretion to either approve or deny the application by a majority vote of the entire Township Board.
- H. Upon approval of the application by the Township Board, the Zoning Administrator shall issue the applicant a provisional license and subsequently a final license after the issuance of an operating license by the State of Michigan. If the application is denied, the Zoning Administrator shall issue a written notice of denial to the applicant and mail the same by first class mail to the address for the applicant provided in the application. The decision to deny the application by the Township Board is final not appealable.
- I. Maintaining a valid State license is a condition for the maintenance of a license under this Ordinance and continued operation of a marijuana establishment. A provisional license does not authorize operations until a final license is issued, which will only occur upon issuance of the appropriate license by the State of Michigan and the issuance of a Certificate of Occupancy.
- J. A license issued under this Ordinance is not transferable without the prior approval of the Township under the same terms and conditions required for the initial issuance of a license under this Ordinance.
- K. An establishment that has been issued a license under this Ordinance shall commence continued operations within one hundred eighty (180) days of the issuance of the license. Failure to commence continued operations within one hundred eighty (180) days shall be grounds for revocation of the license by the Township Board. In its discretion, the Township Board may grant the facility a ninety (90) day extension to commence continued operations. As used in this Ordinance, the term "continued operations" means that the establishment is operating in substantial accordance with the operations schedule in the business plan submitted with the establishment's application.

Section 7. Minimum Operational Standards For All Marijuana Establishments. The following minimum standards shall apply to all marijuana establishments within the Township:

- A. Marijuana establishments shall comply at all times and in all circumstances with the MRTMA, and applicable Michigan law, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time. It is the responsibility of the licensee to be aware of changes in the MRTMA and other applicable laws, rules and regulations. The Township bears no responsibility for failure of the licensee to be unaware of changes in the laws governing marijuana establishments.
- B. Consumption and/or use of marijuana shall be prohibited at the establishment.
- C. The establishment shall be open, during regular business hours, to any representative of the Department, Michigan State Police officer, or deputy/officer of the Oceana County Sheriff's Department, and said individual(s) may enter the premises, offices, establishments, or other places of business of a licensee, for the following purposes:
 - 1. To inspect and examine all premises of marijuana establishments.
 - 2. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any employee fails to cooperate with an investigation, to impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored.
 - 3. To investigate alleged violations of the MRTMA, this Ordinance, and applicable Michigan laws and regulations.
- D. The marijuana establishment shall be continuously monitored with a surveillance system that includes security cameras. The video recordings shall be maintained in a secure, off-site location for a period of fourteen (14) days and be available upon request of the Township, the Department, Michigan State Police, and/or the Oceana County Sheriff's Department.
- E. The marijuana establishment shall secure every entrance to the establishment and only permit those individuals described in this Ordinance or the MRTMA access to the premises.
- F. The marijuana establishment shall be maintained and operated so as to comply with all state and local rules, regulations, and ordinances. All marijuana establishments shall comply with applicable requirements of the Zoning Ordinance, including obtaining and maintaining a special land use permit.
- G. All marijuana shall be contained within an enclosed and secured area.
- H. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for all

structures of the establishment or any portion thereof.

- I. All persons working in direct contact with marijuana shall conform to acceptable hygienic practices while on duty, including, but not limited to:
 - 1. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when their hands may have become soiled or contaminated.
 - 2. Refraining from having direct contact with marijuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- J. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination.
- K. Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- L. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage, or breeding place for pests.
- M. All building fixtures and other establishments shall be maintained in a sanitary condition.
- N. Odor from operations shall be controlled as provided in the Zoning Ordinance and as may be required under the special land use permit issued to the licensee.

Section 8. Minimum Operational Standards for Marijuana Grower Establishments. The following minimum standards for Grower establishments shall apply:

- A. Grower establishments shall maintain a log book and/or database indicating the number of marijuana plants therein.
- B. A stakeholder in a grower establishment shall not hold an ownership interest, directly or indirectly, in more than five (5) marijuana grower establishments.
- C. The establishment shall be subject to inspection by the Hart Area Fire Department to insure compliance with all applicable statutes, codes and ordinances.
- D. Multiple grower establishment licenses in a single location shall be permitted, subject to approval of the same by the Township Board.

Section 9. Minimum Operational Standards of Marijuana Processor Establishments. The following minimum standards for processor establishments shall apply:

- A. All activity related to the processor establishment shall occur indoors.
- B. Processor establishments shall maintain a log book and/or database which complies with the MRTMA and other applicable state laws and regulations.
- C. All marijuana shall be tagged as required by the MRTMA and applicable state laws and regulations.
- D. The establishment shall be subject to inspection by the Hart Area Fire Department to insure compliance with all applicable statutes, codes, and ordinances.
- E. Processor establishments shall produce no products other than useable marijuana intended for human consumption.

Section 10. Minimum Operational Standards for Marijuana Microbusiness Establishments. The following minimum standards for marijuana microbusiness establishments shall apply:

- A. A stakeholder in a microbusiness establishment shall not hold an ownership interest, directly or indirectly, in a grower, processor, retailer, safety compliance, or secure transporter establishment.
- B. A stakeholder in a microbusiness establishment shall not hold an ownership interest, directly or indirectly, in another microbusiness establishment.

Section 11. Minimum Operational Standards for Marijuana Retailers. The following minimum standards for marijuana retailers shall apply:

- A. Marijuana retailers shall not sell edible marijuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.
- B. Marijuana Retailers shall not sell or otherwise transfer marijuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use property as defined by 16 C.F.R. 1700.20 (1995).
- C. Marijuana Retailers and their agents shall ensure that all purchasers of marijuana are over 21 years of age.

Section 12. Denial and Revocation of License.

- A. A license issued under this Ordinance may be revoked after an administrative hearing at which the Zoning Administrator determines that grounds for revocation under this Ordinance exist. Notice of the time and place of the hearing and the grounds for revocation must be given to the holder of a license at least five days prior to the date of the hearing, by first class mail to the address given on the permit application; a licensee whose permit is the subject of such hearing may present evidence and/or call witnesses at the hearing.

- B. A license applied for or issued under this Ordinance may be denied or revoked for any of the following reasons:
 - 1. Any violation of this Ordinance.

 - 2. Any 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 five (5) years by the applicant or any stakeholder of the applicant as measured from the date of the application or the date of becoming a stakeholder, whichever occurs later, or while licensed under this Ordinance; or any conviction of the Applicant or any stakeholder of the applicant of a controlled substance-related felony at any time.

 - 3. Zoning Administrator finding of fraud, misrepresentation, or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this Ordinance requires a license or in connection with the application for a license or request to renew a license.

 - 4. Material failure to submit a complete business plan as described in this Ordinance.

 - 5. Sufficient evidence that the applicant and/or licensee lacks, or has failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this ordinance, and the rules and regulations governing the MRTMA.

 - 6. The applicant, licensee, and/or any of its stakeholders are in default to the Township personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligations.

 - 7. The facility is determined by the Township Zoning Administrator to have become a public nuisance.

8. LARA has denied, revoked, or suspended the applicant/licensee's state operating license.

- C. Should the Zoning Administrator revoke a license, the licensee shall have fourteen (14) days from the mailing of the written notice of revocation to appeal the decision to the Township Board, which shall hear the appeal at its next regularly scheduled meeting, but no sooner than 7 days from the receipt of the notice of appeal. The Township Board may, in its sole discretion, hold a *de novo* hearing or act upon the appeal solely based upon the information supplied to the Zoning Administrator. Should the Township Board reverse the decision of the Zoning Administrator, the Zoning Administrator shall reinstate the license. Should the Township Board affirm the decision of the Zoning Administrator, the Township Clerk shall mail by first class mail a written notice affirming the decision to the address for the licensee contained in the Township's records.

Section 13. License Renewal.

- A. A license shall be valid for one year from the date of issuance, unless revoked as provided by law, including this Ordinance.
- B. A valid license may be renewed on an annual basis by submitting a renewal application upon a form provided by the Township and payment of the annual license fee. Applications to renew a License shall be filed with the Zoning Administrator at least thirty (30) days prior to the date of its expiration. As long as no changes to the licensee have occurred and there is no pending request to revoke or suspend a license, and the licensee has paid the license renewal fee, the Zoning Administrator shall renew the license.

Section 14. Unlawful Activities. Any act or omission that is a violation of the MRTMA, as amended, or any regulations promulgated thereunder shall be a violation of this Ordinance. It shall be unlawful for any person to consume marijuana in a public place within the Township.

Section 15. Penalties and Enforcement.

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than Five Hundred Dollars (\$500) for the first offense and not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1000) for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses, and actual attorneys fees incurred by the Township, or by its designated enforcing authority, in enforcing the Ordinance. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months after a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

- B. Any violation of this Ordinance shall be declared a nuisance *per se* and subject to injunctive relief and abatement by order of a court of competent jurisdiction.
- C. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- D. Lien to Enforce Fines, Costs, and Penalties.
1. If a defendant does not pay a civil fine, costs, or assessment or an installment ordered under this Ordinance or MCL 600.8727 within 30 days after the date on which payment is due under MCL 600.8727 in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, and assessment with the Oceana County Register of Deeds. The lien shall be effective immediately upon recording of the court order with the Oceana County Register of Deeds.
 2. The court order recorded with the Oceana County Register of Deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first-class mail to the owner of record of the land, building, or structure at the owner's last known address.
 3. The lien may be enforced by the Township in the manner prescribed by the General Property Tax Act, Public Act 206 of 1893, MCL 211.1 to 211.57, or by an ordinance duly passed by the Township Board. However, property is not subject to sale under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.57, for nonpayment of a civil fine, costs, or assessment or an installment ordered under MCL 600.8727 unless the property is also subject to sale under the General Property Tax Act for delinquent property taxes.
 4. A lien created under this section has priority over any other lien unless 1 or more of the following apply:
 - (i) The other lien is a lien for taxes or special assessments.
 - (ii) The other lien is created before May 1, 1994.
 - (iii) Federal law provides that the other lien has priority.
 - (iv) The other lien is recorded before the lien under this section is recorded.

5. The Township may institute an action in a court of competent jurisdiction for the collection of the judgment imposed by a court order for a municipal civil infraction. However, an attempt by the Township to collect the judgment by any process does not invalidate or waive the lien upon the land, building, or structure.

6. A lien provided for by this section shall not continue for a period longer than 5 years after a copy of the court order imposing a fine, costs, or assessment is recorded, unless within that time an action to enforce the lien is commenced.

E. The following persons are authorized to enforce this Ordinance and to issue municipal civil infraction citations under this Ordinance pursuant to MCL 600.8701-8735, as amended, of the Revised Judicature Act:

1. Township Ordinance Enforcement Officer.

2. Township Zoning Administrator.

3. Deputies and officers of the Oceana County Sheriff's Department.

4. Officers of the Michigan State Police.

5. Township Supervisor and all other persons authorized by Resolution of the Weare Township Board.

Section 16. Applicability. The provisions of this Ordinance shall be applicable to all persons and establishments described herein, including if the operations or activities associated with a marijuana establishment were established without authorization before the effective date of this Ordinance.

Section 17. Severability. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Section 18. Repeal. Weare Township Ordinance 2020-1 as an amendment to the "Prohibition of Recreational Marijuana Establishments Ordinance", is repealed. Furthermore, all resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 19. Effective Date. This Ordinance shall be effective 30 days after the date of publication pursuant to MCL 41.184.

AYES: Members: Doran, Hilbert, Dykema, Gustafson, and Patterson.

NAYS: Members: None.

ABSENT: Members: None.

ORDINANCE DECLARED ADOPTED.

We, Debra Gustafson, Township of Weare Clerk, and Larry Doran, Township of Weare Supervisor, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 2022-2 of the Township of Weare, Oceana County, Michigan, was introduced and passed at a regular meeting of the Township Board, held on April 11, 2022, by an affirmative vote of the majority of the Township Board members.

Date: _____, 2022

Larry Doran, Supervisor

Date: _____, 2022

Debra Gustafson, Clerk