

**SOUTH HAVEN CHARTER TOWNSHIP
ORDINANCE NO. 152**

ORDINANCE AMENDING MARIHUANA ESTABLISHMENTS ORDINANCE

SOUTH HAVE CHARTER TOWNSHIP ORDAINS:

Section 1. Amendments to Section 1 of Marihuana Establishments Ordinance.

Section 1 of the Marihuana Establishments Ordinance is amended to read as follows, with deleted text stricken and new text in boldfaced font:

Section 1. Title, Purpose, and effective date. The title of this ordinance shall be the "The Charter Township of South Haven Marijuana Establishments Ordinance." The purpose of this ordinance is to provide for the number of marijuana establishments within the Charter Township of South Haven pursuant to section 6 of the Michigan Regulation and Taxation of Marihuana Act (MRTMA). This Ordinance is intended to introduce a pilot program to allow establishments to operate according to the Michigan Regulation and Taxation of Marihuana Act. This ordinance is intended to empower a minimum number of retailers to operate by registering with the township and obtaining a facility license for the establishment from the Cannabis Regulatory Agency (CRA), subject to the power of the Township Board to license and regulate such establishments as such government action is deemed appropriate. This ordinance shall take effect on ~~February 1,~~ **May 1, 2023.**

Section 2. Amendments to Section 4 of Marihuana Establishments Ordinance.

Section 4 of the Marihuana Establishments Ordinance is amended to read as follows, with deleted text stricken and new text in boldfaced font:

Section 4. Number of Establishments Allowed. A minimum of 3 adult use marihuana retail establishments are allowed to operate in the township. A maximum number of adult use marihuana retail establishments allowed within the Township may be set by the Township Board ~~any time after the minimum number of adult use marihuana retail establishments are licensed and operating,~~ and the Township Board may place a moratorium on new establishments or provide for other establishments but may not disqualify any **currently operating** establishments or fail to grant or renew licenses for such **currently operating** establishments as a result. Unless specifically allowed by subsequent ordinance, no other marijuana establishments under MRTMA are allowed to operate within the township.

Section 3. Amendments to Section 6 of Marihuana Establishments Ordinance.

Section 6 of the Marihuana Establishments Ordinance is amended to read as follows, with deleted text stricken and new text in boldfaced font:

Section 6. Police Power and Zoning Ordinances. The Township Board may at any time ~~after the effective date of this ordinance~~ enact related police power and zoning regulations that are not unreasonably impracticable, and which do not conflict with ~~this ordinance~~, the Michigan Regulation and Taxation of Marijuana Act or any rule promulgated pursuant to the Act. The Township may further establish regulations, such as administrative measures; fees, applications; and license, permit, and renewal criteria specifically enabling applicants to promptly obtain and renew Township marijuana establishment licenses and permits as the Township Board shall deem appropriate, and if such regulations are in place, they may provide that no marijuana establishment shall operate without a Township license or permit.

Section 4. Amendments to Section 7 of Marihuana Establishments Ordinance.

Section 7 of the Marihuana Establishments Ordinance is amended to read as follows, with deleted text stricken and new text in boldfaced font:

Section 7. Authority to Operate in the Absence of Police Power and Zoning regulations. If the Township does not enact related police power and zoning regulations by ~~April~~ **August** 1, 2023, and until such ordinances are enacted, in order to provide for the minimum number of marihuana establishments to operate within the Township, any person that otherwise meets the criteria for a state license to operate an adult use retail marijuana establishment at a proposed location shall be deemed authorized to operate such establishment in the Township in accordance with and pursuant to MRTMA and the CRA rules and regulations. Such operation is deemed lawful without any Township permit or license whatsoever and may continue as such unless and until the Township Board deems it appropriate to enact related licensing, police power ordinances, and land use regulations and issues appropriate local permits or licenses to the licensee.

Section 5. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon publication.