

The Charter Township of Vienna
Cr) **Amendment to**
Chapter 19.1 of the Code of Ordinances

THE CHARTER TOWNSHIP OF VIENNA ORDAINS:

Chapter _____ of the Code of Ordinances of the Charter Township of Vienna, Michigan is hereby amended as follows:

Article I — Statement of Purpose and Name

1.01 Purpose: The purpose of this Ordinance is to:

A. Regulate the growth, consumption, distribution, and delivery of medical Marihuana in a manner that protects the rights of those authorized to do so under the **Michigan Medical Marihuana Act, MCL 333.26421 et seq.**; and

B. Provide registered patients safe access to medicine; and

C. Protect the health, safety, and welfare of all residents of the Township.

1.02 Name of Ordinance: This Ordinance shall be known as the **Vienna Township Medical Marihuana Licensing Ordinance**.

Article II — Definitions

2.01 Statutory Definitions: The words and phrases used herein have the same meaning as set forth in the **Michigan Medical Marihuana Act**, being **MCL 333.26421 et seq.**, except as modified herein.

2.02 Act means the **Michigan Medical Marihuana Act**, being **MCL 333.26421 et seq.**

2.03 Applicant means the person who applies for a license for a Patient Care Center.

2.04 Building means any structure, either temporary or permanent, having a roof or other covering that is built, used, designed, or intended for the shelter or enclosure of persons, animals, chattel, or property of any kind.

2.05 Building Inspector means the Building Inspector of the Charter Township of Vienna.

2.06 Chief of Police means the commanding officer designated by the Genesee County Sheriff to perform the Sheriff's duties for Vienna Township, or his designee.

2.07 Clerk means the Clerk of the Charter Township of Vienna.

2.08 Consumption means absorbing, smoking, inhaling, eating, vaporizing, drinking, ingesting, or otherwise using Marihuana.

2.09 Controlled Substance means a drug, substance, or immediate precursor as set forth in **MCL 333.7201 et seq.**

2.10 Debilitating Medical Condition means 1 or more of the following:

A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions; or

B. A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis; or

C. Any other medical condition or its treatment approved by the department of community health, as provided for in **MCL 333.26425(a).**

2.11 Department means the Michigan State Department of Community Health.

2.12 Enclosed, Locked Facility means a closet, room, or other enclosed area, which may be Indoors or Outdoors, that is equipped and secured with locks or other security devices.

2.13 Home Care Center means a facility, located at a Primary Caregiver's residence, that is operated by not more than 1 Primary Caregiver.

2.14 ID Number means the number that is assigned to each Qualifying Patient and Primary Caregiver by the Department and that is listed on the Registry Identification Card.

2.15 ID Tag means a tag or label that lists the ID Number of the Primary Caregiver and the Qualifying Patient for whom the Marihuana plant is being grown, cultivated, or stored.

2.16 Indoor Enclosed, Locked Facility means an Enclosed, Locked Facility that is located inside of a Building.

2.17 Licensee means an Applicant who is issued a license pursuant to this Ordinance.

2.18 Locker means an enclosed locked storage unit used by a Qualifying Patient or Primary Caregiver solely for the purpose of storing Marihuana.

2.19 Marihuana means all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

2.20 Medical Use means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marihuana or Paraphernalia relating to the administration of Marihuana to treat or alleviate a registered Qualifying Patient's Debilitating Medical Condition or symptoms associated with the Debilitating Medical Condition.

2.21 Motor Vehicle means a car, truck, semi-truck, motorcycle, and every other vehicle that is self-propelled.

2.22 Outdoor Enclosed, Locked Facility means any Enclosed, Locked Facility that is not located inside of a Building.

2.23 Over the Counter means selling, offering to sell, distributing, offering to distribute, delivering, or offering to deliver Marihuana to a person who is not a Qualifying Patient or Primary Caregiver.

2.24 Paraphernalia means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing Marihuana into the human body.

2.25 Parcel of Property means parcel of property means that property which is identified by a single parcel number by the Vienna Township Treasurer.

2.26 Patient Care Center means a facility established by one or more Primary Caregivers, not located at a Primary Caregiver's residence.

2.27 Person means any individual, partnership, corporation, association, or limited liability company.

2.28 Primary Caregiver means a person who is at least 21 years old, who has agreed to assist with a Qualifying Patient's Medical Use of Marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a Registry Identification Card, which is not expired and has not been revoked.

2.29 Public Place means any place that is open to the public.

2.30 Qualifying Patient means a person who has been diagnosed by a physician as having a Debilitating Medical Condition and who has been issued a Registry Identification Card by the Department, which is not expired and has not been revoked.

2.31 Registry Identification Card means a document issued by the Department that identifies a person as a registered Qualifying Patient or registered Primary Caregiver.

2.32 Township means the Charter Township of Vienna, Genesee County, Michigan.

2.33 Township Board means the Board of Trustees of the Charter Township of Vienna, Genesee County, Michigan.

2.34 Usable Marihuana means the dried leaves and flowers of the Marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Article III — Authority and Restrictions

3.00 *General Restrictions:* A person is prohibited from the following:

A. Acquiring, possessing, cultivating, manufacturing, consuming, delivering, transferring, or transporting Marihuana, except as provided in this Ordinance;

B. Undertaking any task under the influence of Marihuana, when doing so would constitute negligence or professional malpractice;

C. Possessing or consuming Marihuana in or on any school property, in a correctional facility, in any public place, or in or on any form of public transportation;

D. Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of Marihuana;

E. Consuming Marihuana unless a person is a Qualified Patient;

F. Offering Marihuana over the Counter at a Patient Care Center or Home Care Center;

G. Distributing or delivering Marihuana to any person at a Home Care Center; and

H. Consuming Marihuana inside of a Patient Care Center, or on any part of the Parcel of Property on which the Patient Care Center is situated.

Article IV — Authority and Restrictions of Qualifying Patients

4.01 *Authority of Qualifying Patient to Grow Marihuana:* A Qualifying Patient located within the Township, who has not specified a Primary Caregiver to grow and cultivate Marihuana on behalf of the Qualifying Patient, is authorized to do the following:

A. Grow, cultivate, and store 12 Marihuana plants or such amount as is allowed by the Act, whichever is less, within an Indoor Enclosed, Locked Facility located at the Qualifying Patient's residence;

B. Grow, cultivate, and store 12 Marihuana plants or such amount as is allowed by the Act, whichever is less, within an Outdoor Enclosed, Locked Facility located at the Qualifying Patient's residence, subject to the provisions of **Section 2211 of the Charter Township Vienna Zoning Ordinance**; and -

C. Grow, cultivate, and store 12 Marihuana plants or such amount as is allowed by the Act, whichever is less, at a Patient Care Center that is licensed by the Township.

4.02 Authority of Qualifying Patient to Possess Marihuana: A Qualifying Patient within the Township is authorized to possess 2.5 ounces of Usable Marihuana or such amount as is allowed by the Act, whichever is less.

4.03 Qualifying Patient Restrictions: A Qualifying Patient located within the Township is prohibited from the following:

A. Growing and cultivating Marihuana if the Qualifying Patient has specified a Primary Caregiver to grow and cultivate Marihuana on behalf of the Qualifying Patient;

B. Growing, cultivating, or storing more than 12 Marihuana plants or more than such amount as is allowed by the Act, whichever is less;

A. Possessing in excess of 2.5 ounces of Usable Marihuana or in excess of such amount as is allowed by the Act, whichever is less;

C. Selling, distributing, or delivering Marihuana to any person;

B. Allowing any other person to access any Enclosed, Locked, Facility or Locker where the Qualifying Patient grows, cultivates, or stores Marihuana; and

D. Growing, cultivating, or storing Marihuana at a location other than the Qualifying Patient's residence or a Patient Care Center.

Article V — Authority and Restrictions of a Primary Caregiver

5.01 Authority of Primary Caregiver: A Primary Caregiver located within the Township is authorized to do the following:

A. Operate a Home Care Center as provided in *Article VI*, provided that the Primary Caregiver is permitted to grow, cultivate, and store 12 Marihuana plants for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Act, whichever is less;

B. Operate a Patient Care Center as provided in *Article VII* provided that the Primary Caregiver is permitted to grow, cultivate, and store 12 Marihuana plants for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Act, whichever is less;

C. Possess up to 2.5 ounces of Usable Marihuana for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Act, whichever is less;

D. Serve only the Qualifying Patients that are registered to the Primary Caregiver by the Department;

E. Receive compensation only for costs associated with assisting a Qualifying Patient that is registered to the Primary Caregiver by the Department in the Medical Use of Marihuana; and

F. Make deliveries of Marihuana to the Primary Caregiver's Qualifying Patients at the Qualifying Patient's residence or at a Patient Care Center.

5.02 Primary Caregiver Restrictions: A Primary Caregiver located within the Township is prohibited from the following:

A. Growing, cultivating, or storing Marihuana in excess of 12 Marihuana plants for each Qualifying Patient that is registered to the Primary Caregiver or such amount as is allowed by the Act, whichever is less;

B. Possessing in excess of 2.5 ounces of Usable Marihuana for each Qualifying Patient registered to the Primary Caregiver, or such amount as is allowed by the Act, whichever is less;

C. Growing, cultivating, storing, distributing, or delivering Marihuana in connection with or at a location at which any other Controlled Substance, commodity, product, service, or alcohol is provided or offered for sale;

D. Selling, distributing, or delivering any Marihuana to any person who is not a Qualifying Patient that is registered to the Primary Caregiver by the Department; and

E. Distributing or delivering Marihuana to any person at a Home Care Center.

5.03 Primary Caregiver Records: A Primary Caregiver must maintain accurate records of the following and provide the same to any law enforcement officer upon request:

A. The ID Number of each Qualifying Patient who is registered to the Primary Caregiver by the Department, provided that this list must be posted in the Enclosed, Locked Facility where Marihuana is being grown and cultivated;

A. The number of Marihuana plants that the Primary Caregiver is growing for each Qualifying Patient, provided that this list must be posted in the Enclosed, Locked Facility where Marihuana is being grown and cultivated;

B. An ID Tag attached to each Marihuana plant grown by the Primary Caregiver;

C. All transactions involving Marihuana and Paraphernalia including the ID Number of the Qualifying Patient involved in the transaction and, if applicable, the amount of Marihuana and the amount of money involved; and

D. Inventory of all Marihuana and Paraphernalia.

Article VI — Home Care Centers

6.01 Authority for Home Care Center: One Primary Caregiver may establish and operate a Home Care Center within the Township subject to the provisions set forth in *Article III* and *Article V* provided as follows:

A. That the Home Care Center is considered a Home Occupation and is subject to the provisions of **Sections 410(3), 410(4), and 2210(1)** of the of the **Charter Township of Vienna Zoning Ordinance**;

B. That the Home Care Center must apply for and receive approval from the Planning Commission for the home occupation according to the standards set forth in **Sections 410(3) and 2210(1)** of the

Charter Township of Vienna Zoning Ordinance;

C. That the address, telephone number, and ID Number of the Primary Caregiver operating the Home Care Center and the ID Number of each Qualifying Patient to be served by the Home Care Center must be provided to the Township Police Department;

D. That all growth, cultivation, and storage of Marihuana must occur within either an Indoor Enclosed, Locked Facility or within an Outdoor Enclosed Locked Facility that complies with the provisions of **Section 2211** of the **Charter Township of Vienna Zoning Ordinance;** and

E. That the Home Care Center must be approved by the Building Inspector after an inspection confirming that the building, the electrical system, and the plumbing system used to facilitate the growth or cultivation of Marihuana plants complies with all applicable construction codes adopted by the Township.

6.02 Home Care Center Restrictions: A Primary Caregiver operating a Home Care Center located within the Township is prohibited from the following:

A. Allowing access to the Enclosed, Locked Facility to any person who is not the Primary Caregiver or to any Qualifying Patient who is not registered with the Primary Caregiver, unless the Qualifying Patient is a minor, in which case the legal guardian of the minor Qualifying Patient may enter;

B. Distributing Marihuana to a Qualifying Patient at the Home Care Center;

C. Allowing artificial light used to grow Marihuana to be transmitted from within an Indoor Enclosed, Locked Facility to the outside;

D. Allowing the sound levels from all machinery, equipment or mechanical devices used in the operation of the Home Care Center to become a public nuisance beyond property lines; and

E. Allowing emission of noxious, odorous matter in such quantities as to produce a public nuisance or health hazard beyond property lines.

VII — Patient Care Centers

7.01 Patient Care Center License: One or more Primary Caregivers may establish and operate a Patient Care Center within the Township subject to the provisions set forth in *Article III* and *Article V*, provided that a license is issued by the Township pursuant to *Article VIII*.

7.02 Authority for Patient Care Center: A Licensee operating a Patient Care Center located within the Township is authorized to do the following:

- A. Provide only 1 Indoor Enclosed, Locked Facility for every 200 square feet of gross floor area of the Patient Care Center;
- B. Allow Primary Caregivers and Qualifying Patients to grow, cultivate, and store Marihuana within an Indoor Enclosed, Locked Facility located at the Patient Care Center;
- C. Provide Lockers for Qualifying Patients or Primary Caregivers to store Marihuana at the Patient Care Center;
- D. Allow a Primary Caregiver to distribute Marihuana only to the Qualifying Patients who are registered to the Primary Caregiver by the Department;
- E. Allow a doctor to maintain an office at the Patient Care Center to see patients concerning the Medical Use of Marihuana; and
- F. Provide common areas and private rooms where Primary Caregivers and Qualifying Patients are allowed to meet and socialize.

7.03 Restrictions on Patient Care Center: A Licensee operating a Patient Care Center located within the Township is prohibited from the following:

- A. Allowing Marihuana to be consumed inside of the Patient Care Center or any part of the Parcel of Property on which the Patient Care Center is situated;
- B. Allowing access to any person who is not a Qualifying Patient or Primary Caregiver, unless the Qualifying Patient is a minor, in which case the legal guardian of the minor Qualifying Patient may enter the Patient Care Center;

C. Allowing a Primary Caregiver or Qualifying Patient to access the Indoor Enclosed, Locked Facility of another Primary Caregiver or Qualifying Patient;

D. Employing any person, whose employment responsibilities require that person to access, acquire, cultivate, deliver, manufacture, possess, transfer, or transport marihuana at any time or for any purpose to work in the Patient Care Center who is not either a Primary Caregiver or a Qualifying Patient;

C. Serving alcohol;

E. Operating at the same location as a business which has been licensed by the State of Michigan Liquor Control Commission;

F. Including the word "Marihuana," any variation thereof, or any other synonym for Marihuana in the name of the Patient Care Center;

G. Using any symbol or image relating to Marihuana or Paraphernalia or the use of Marihuana in the name of the Patient Care Center;

H. Allowing artificial light used to grow Marihuana to be transmitted from within an Indoor Enclosed, Locked Facility to the outside;

I. Allowing the sound levels from all machinery, equipment or mechanical devices used in the operation of the Home Care Center to become a public nuisance beyond property lines; and

J. Allowing emission of noxious, odorous matter in such quantities as to produce a public nuisance or health hazard beyond property lines.

7.04 Patient Care Center Records: A Licensee operating a Patient Care Center must maintain accurate records of the following and provide the same to any law enforcement officer upon request:

A. The number of Primary Caregivers growing, cultivating, or storing Marihuana at the Patient Care Center;

B. The number of Qualifying Patients growing, cultivating, or storing Marihuana at the Patient Care Center;

C. The number of Marihuana plants being grown, cultivated, and stored by each Qualifying Patient and Primary Caregiver at the Patient Care Center;

D. The total number of Marihuana plants that are being grown, cultivated, and stored on site;

E. The number of Qualifying Patients that are served by Primary Caregivers at that Patient Care Center;

F. The ID Number of each Qualifying Patient and each Primary Caregiver that enters the Patient Care Center each day;

G. Current inventory of all Usable Marihuana and Paraphernalia kept on site;

H. All transactions involving Marihuana and Paraphernalia including the ID Number of the Primary Caregiver and Qualifying Patient involved in the transaction and, if applicable, the amount of Marihuana and the amount of money involved; and

I. An ID Tag on each marihuana plant.

7.05 Security Requirements: A Licensee operating a Patient Care Center must provide the following security measures:

A. A separate Indoor Enclosed, Locked Facility for each Qualifying Patient or Primary Caregiver who grows, cultivates, and stores Marihuana at the Patient Care Center;

B. Each Indoor Enclosed, Locked Facility must be secured such that it is only accessible by the Qualifying Patient or the Primary Caregiver and that Primary Caregiver's Qualifying Patients, who rent, lease, or own the Indoor Enclosed, Locked Facility;

C. Each Locker must be secured such that it is only accessible by the Qualifying Patient or the Primary Caregiver and that Primary Caregiver's Qualifying Patients, who rent, lease, or own the Locker;

D. A system for checking and validating the Registry Identification Cards of each Qualifying Patient and Primary Caregiver before allowing entrance into the Patient Care Center;

E. A closed circuit video surveillance system that monitors each

Enclosed, Locked Facility, each entrance and exit, any area where money is exchanged, any area where Marihuana is distributed or delivered, and the parking lot of the Patient Care Center, 24 hours per day;

- F. At least 1 licensed, armed security guard during hours of operation;
- G. A depository safe with a time delay lock mechanism; and
- H. The entrance and exit doors must be secured at all times.

7.06 Hours of Operation: Hours of operation of a Patient Care Center are limited to the following:

- A. Monday through Friday: 9:00 a.m. to 6:00 p.m.;
- A. Saturday: 10:00 a.m. to 2:00 p.m.

7.07 Zoning Compliance: A Licensee operating Patient Care Center must comply with all of the provisions of **Section 2211** of the **Charter Township of Vienna Zoning Ordinance**, the provisions of which are incorporated by reference.

7.08 Compliance Required: At all times a Licensee operating Patient Care Center must comply with all of the rules, regulations, and requirements set forth by the State Department of Community Health, this Ordinance, and the Act.

Article VIII — License

8.01 License Required: A Patient Care Center is prohibited from operating within the Township without a License issued by the Township Clerk.

8.02 Applicant for License: One or more Primary Caregivers, or an entity established by one or more Primary Caregivers, may apply for a license as set forth in this **Article VIII**.

8.03 Application for License: An Application must be made upon forms provided by the Clerk and must be signed and verified under oath by the Applicant or the Applicant's authorized agent and must set forth the following:

- A. Whether any person named in the Application has previously had a license, which had been issued by the Township pursuant to this

Ordinance or a license issued by any municipality pursuant to an Ordinance similar to this Ordinance, revoked or suspended;

B. If the Applicant is an individual, the name, address, telephone number, and Primary Caregiver ID number of the individual or individuals applying for a license;

C. If the Applicant is not an individual, the name of the business, business address, telephone number, date of formation of the business, and the names, addresses, telephone numbers and Primary Caregiver ID Number of each shareholder, director, officer, member, and/or principal of the business;

D. The name, address, and telephone number of each employee of Applicant, and if applicable, the ID Number of any employee whose employment responsibilities will include the activities set forth in ***Paragraph 7.03D***;

E. The name of the Patient Care Center;

F. A description of the nature of the business of the Patient Care Center;

G. A list of all items to be sold at the Patient Care Center; and

H. The proposed location where Patient Care Center will be established;

I. The length of time for which the right to do business is sought;

J. The sales tax license number of the business;

K. A 2 inch by 2 inch photograph, taken within 30 days of filing the Application, of the Applicant or authorized agent for the Applicant; and

L. A statement that no employee, shareholder, director, officer, member, and/or principal of the business is a police officer employed by a police department with jurisdiction in Vienna Township, a fireman employed by a fire department with jurisdiction in Vienna Township, or a Township employee.

8.04 Submission of Application: The completed Application must be submitted to the Township Clerk, and must include:

- A. The Application Fee, as provided by *Paragraph 8.12*;
- B. An authorization authorizing the Township to obtain a Criminal History report for each person identified in the Application;
- C. An authorization authorizing the Township to obtain a Master Driving record of each person identified in the Application; and
- D. An Application for Special Land Use Permit, with all supporting documentation as required by the **Township Zoning Ordinance** and the fee therefor.

8.05 Investigation: Upon receipt of an Application, the Clerk must:

- A. Request the Chief of Police to conduct an investigation of the Applicant by obtaining a computerized Criminal History and Master Driving Record of each person identified on the Application;
- B. Request the Building Inspector to conduct an inspection of the proposed location of the Patient Care Center; and
- C. Schedule the Application for Special Land Use Permit for public hearing and site plan review with the Township Planning Commission after the Clerk receives approval from the Chief of Police and from the Building Inspector.

8.06 Scheduling of Hearing: The Clerk must add to the agenda of the Township Board at the next regular meeting of the Township Board the hearing on the Application after:

- A. The Clerk determines that no person listed in the Application has previously had a license revoked which had been issued pursuant to this Ordinance or issued by any municipality pursuant to an Ordinance similar to this Ordinance;
- B. The Clerk receives a computerized Criminal History, and Master Driving Record of each person identified on the Application which do not show a conviction or convictions for assault and battery, MCL 750.81 et. seq.; criminal sexual conduct, MCL 750.520a et. seq.; kidnapping, **MCL 750.349** et. seq.; larceny, MCL 750.356 et. seq.,

homicide, **MCL 750.316** et. seq.; robbery, MCL 750.529 et. seq.; false pretenses, **MCL 750.218** et. seq.; fraud, MCL 750.271 et. seq.; trespassing, **MCL 750.546** et. seq.; disorderly conduct, **MCL 750.167** et. seq.; obstruction of justice, **MCL 750.478** et. seq.; breach of peace, MCL 750.159 et. seq.; conspiracy, **MCL 750.151** et. seq.; drunk driving or reckless driving, MCL 257.625 et. seq.; and any other violation of the Criminal Code of the State of Michigan, United States Code, or local ordinances pertaining to criminal conduct;

C. The Clerk determines that the Applicant made no false or fraudulent statement on the Application;

C. The Clerk receives an inspection report from the Building Inspector which establishes that the building and premises of the proposed location of the Patient Care Center comply with all applicable construction code adopted by the Township;

D. The Chief of Police has approved the Application after an investigation of the Applicant and an interview of the Applicant or the Applicant's authorized agent; and

E. Approval of the Special Land Use Permit by the Planning Commission.

8.07 Hearing by Township Board: The Clerk must provide the Application, along with all documents received by the Clerk related to the Application, to the Township Board for a public hearing on the approval of the Application and issuance of the License, considering the following:

A. Whether the Application complies with the provisions of the Township Zoning Ordinance, this Ordinance, and the Act; and

B. Whether the issuance of the license, and the activity authorized by the license, poses no apparent danger to the health, safety, and welfare of Applicant, Applicant's employees, or the citizens of the Township.

8.08 Approval of Application: If the Township Board determines that all provisions of the Township Zoning Ordinance, this Ordinance, and the Act are complied with and that no apparent danger exists to the Applicant, the Applicant's employees, or the citizens of the Township, then the Board must approve the application and request that the Clerk issue a license to the Applicant.

8.09 Issuance of License: The Clerk must issue a license to an Applicant

within 7 days of receiving the approval and request from the Township Board.

8.10 *Record of Licenses Issued:* The Clerk must keep a record of all licenses issued pursuant to this Ordinance

8.11 *Transfer of License:* A license issued pursuant to this Ordinance cannot be sold, transferred, or otherwise conveyed to any person or entity or to any other Patient Care Center operated by the Applicant.

8.12 *Fees:* The application fee, renewal fee, and inspection fee required pursuant to this Ordinance will be determined by the Township Board by resolution.

8.13 *License Suspension and Revocation:* All licenses issued pursuant to this Ordinance may be temporarily suspended or revoked after Notice, as provided in ***Paragraph 8.14***, and a hearing conducted by the Township Board for any of the following reasons:

- A. Any violation of this Ordinance;
- B. Any fraud, misrepresentation, or false statement contained in the Application for license;
- C. Any fraud, misrepresentation, or false statement made in connection with the selling of goods or merchandise, or made in the carrying on of the business for which the license was issued;
- D. Conviction of the Licensee of any felony or any misdemeanor that involves moral turpitude; or
- E. Conducting the business under this Ordinance in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety, or general welfare to the public.

8.14 *Notice Required:* Notice of a hearing for suspension or revocation must be given in writing, stating with specificity, the grounds of the complaint and the time and place of the hearing. The Notice must be mailed, postage prepaid, to the Licensee, at the address listed by Applicant on the Application or such other address of Licensee thereafter provided to the Township at least 7 days before the date of the hearing.

8.15 *Emergency Suspension:* If the Chief of Police, or the Deputy Police Chief, deems it to be in the best interests of the health, safety, and general welfare of the Township, a license may be suspended immediately, without a hearing, by providing the Licensee notice of the suspension, notice to immediately cease and desist further conduct of business, and Notice of a Hearing which complies with ***Paragraph 8.14.***

8.16 *Surrender on Demand:* A license issued under this Ordinance must be surrendered on demand to a police officer based upon probable cause belief by the officer that the Licensee is in violation of this Ordinance or any other Federal, State, or local laws, rules, regulations, or ordinances. A license surrendered under this Section must be returned to the Licensee within 48 hours upon failure by the Township Board to find cause to revoke the permit as described in ***Paragraph 8.13.***

8.17 *License Term:* All licenses issued pursuant to this Ordinance are valid for a term of 1 year from the date of issuance; thereafter, a renewal Application must be completed and the renewal fee paid as set forth in ***Paragraph 8.12.***

8.18 *License Restrictions:* A license to operate a Patient Care Center may not be issued to any police officer, fireman, or any other Vienna Township employee or to any entity in which any police officer, fireman, or any other Vienna Township employee has an interest.

8.19 *Display of License:* A license issued pursuant to this Ordinance must be posted in a visible location at all times.

8.20 *Annual Inspections:* The Chief of Police and Building Inspector will conduct an inspection of a Licensee's records and premises upon the Licensee's filing a renewal application with the Township at the expense of the Licensee as set forth in ***Paragraph 8.12.***

Article IV — Penalties

9.01 *Misdemeanor:* Any person found to be in violation of this Ordinance is guilty of a misdemeanor and upon conviction thereof, may be punished by a fine not to exceed \$500, plus assessable costs, or in default of payment thereof, by imprisonment in the County Jail for a period not exceeding 90 days, or by both such fine and imprisonment as ordered by the Court in its discretion.

9.02 Civil Infraction: Any person found to be in violation of *Paragraph 5.03* or *Paragraph 7.04* through *Paragraph 7.06* of this Ordinance is deemed responsible for a municipal civil infraction and subject to civil fine not to exceed \$500, plus assessable costs.

9.03 Nuisance per se: Any person found to be in violation of this Ordinance is presumed to be operating a nuisance per se.

9.04 Injunction: The Township Board, any member thereof, or the Genesee County prosecuting attorney may institute injunction or proceedings to prevent or enjoin any violation of the provisions of this Ordinance.

9.05 Rights and Remedies are Cumulative: The rights and remedies provided in this Ordinance are cumulative and are in addition to any other remedy provided by law.

Article X — Conflict

10.00 Conflict: All other Ordinances or parts of Ordinances that are in conflict with this Ordinance are hereby revoked.

Article XI — Severability

11.00 Severability: The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it will not affect any other part or portion thereof.

Article XII—Effective Date

12.00 Effective Date: This Ordinance becomes effective upon the 14th day of April 2011, following publication of its final passage. This ordinance must be published in a newspaper circulated within the Charter Township of Vienna, Genesee County, Michigan.

CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Vienna Charter Township, Genesee County, Michigan, do hereby certify that the above Vienna Township Amendment to Chapter CD 19.1 of the Code of Ordinances was duly adopted by the Township Board of the Charter Township of Vienna, at which meeting a quorum was present.

Paul Luttenbacher, Chairman

Dick Scott, Clerk