

JEFFERSON TOWNSHIP

COUNTY OF CASS

STATE OF MICHIGAN

Ordinance No. 2023-8

MEDICAL USE MARIHUANA FACILITIES ORDINANCE. An Ordinance to regulate and license certain aspects of medical marihuana cultivation, storage, distribution and use and to provide sanctions for violation of this Ordinance.

JEFFERSON TOWNSHIP, CASS COUNTY, MICHIGAN, ORDAINS:

This Ordinance shall be known and cited as the Jefferson Township Medical Marihuana Facilities Licensing Ordinance.

Section 1. INTENT. It is the intent of this Ordinance to give effect to the intent of the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, MCL 333.26421 et seq. (hereinafter "Act") as approved by the electors and not to determine and establish an altered policy with regard to marihuana. This Ordinance is designed to recognize the fundamental intent of the Act to allow the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the Township and its residents to significant adverse conditions. Nothing in this Ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this Ordinance and the Township Zoning Ordinance; and nothing in this Ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.

Section 2. DEFINITIONS. Words used herein shall have the definitions as provided for in the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et. seq., as amended from time to time.

Section 3. AUTHORIZED MEDICAL MARIHUANA FACILITIES.

Jefferson Township shall allow an unlimited number of medical marihuana growers, processors, secure transporters, and safety compliance facilities; recognizing that the Township Zoning Ordinance, Article III and Section VI, 6.02(Z) has placed locational limitations on such facilities which by their nature will necessarily limit the numbers due to availability of eligible parcels.

Jefferson Township authorizes zero (0) of the following facilities: provisioning centers and any sort or type of retail sales, and/or any other medical marihuana facility not specifically authorized under the previous paragraph and the Township Zoning Ordinance.

Section 4. REGULATIONS AND LICENSE REQUIREMENTS.

A. On or after April 15, 2023, the Township shall accept applications to operate a medical marihuana facility authorized by this Ordinance within the Township, subject to the

applicant's receipt of a Special Land Use Permit from the Planning Commission. The application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township Board (hereinafter referred to as the "Clerk."). The initial annual medical marihuana facility fee and the application fee shall be submitted to the Clerk or designee. Upon consideration, if the facility type is available and the applicant receives a Special Land Use Permit, then the applicant shall receive conditional authorization to operate such medical use marihuana facility within the Township.

B. Within thirty days from conditional authorization by the Township or from April 15, 2023, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the State of Michigan for a state operating license or has submitted a full application for such license.

C. If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization shall be canceled by the Clerk.

D. A conditionally authorized applicant shall receive full authorization from the Township to construct and operate the medical marihuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marihuana facility in the Township and the applicant has met all other requirements of this ordinance for the operation, including but not limited to meeting any Special Land Use Permit requirements for the location of the facility within the Township.

E. If a conditionally authorized applicant fails to obtain full authorization from the Township within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk. The Township Board shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Township Board finding good cause for the extension.

Section 5. GENERAL REGULATIONS REGARDING AUTHORIZED MEDICAL MARIHUANA FACILITIES.

A. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et. seq., as may be amended, and the Administrative Rules promulgated thereunder. The facility shall only be operated for as long as the state operating license remains in effect.

B. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all applicable zoning regulations and Special Land Use Permit requirements. The facility shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.

- C. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction, fire code and building ordinances, all other Township ordinances specifically regulating medical marihuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
- D. An authorized medical marihuana facility shall consent to inspection of the facility by Township building and zoning officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
- E. If at any time an authorized medical marihuana facility violates this ordinance the Township Board, acting through its ordinance enforcement department, building inspector, zoning official, or the Township Supervisor may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed the Clerk shall cancel the Township authorization. Additionally, the Township may in its sole discretion take any other action at law or in equity that the Township deems necessary, including requesting injunctive relief, to seek compliance with Township ordinances and Special Land Use requirements.
- F. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.
- G. The Township expressly reserves the right to amend or repeal this ordinance in any way including, but not limited to, complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.

Section 6. ANNUAL MEDICAL USE MARIHUANA FEE. There is hereby established an annual nonrefundable Township medical marihuana facility fee in the amount of \$5,000, for each authorized medical marihuana facility within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual medical marihuana facility fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the medical marihuana facility.

Section 7. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing Marihuana Facilities pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et. seq., as may be amended.

Section 8. REPEAL.

Any previous ordinance purporting to “opt-out” of allowing any Medical Marihuana Facilities is hereby repealed.

Section 9. EFFECTIVE DATE.

This ordinance shall take effect 7 days after publication.

AYES: Brunner, Bundle, Gillam, Hass, Mendenhall

NAYS: None

ORDINANCE DECLARED ADOPTED.

March 9, 2023

Jenny Brunner
Jenny Brunner, Township Clerk