

**JEFFERSON TOWNSHIP**

**CASS COUNTY**

**STATE OF MICHIGAN**

**Ordinance Number 2023-6**

**AN ORDINANCE TO AMEND THE JEFFERSON TOWNSHIP ZONING  
ORDINANCE TO ALLOW CERTAIN MARIHUANA BUSINESSES IN JEFFERSON  
TOWNSHIP BY SPECIAL LAND USE PERMIT.**

**JEFFERSON TOWNSHIP ORDAINS:**

**1. SECTION ONE.** Article III - Districts, Section 3.01(C), A-1 Agricultural District, Special Land Uses, is amended to add Numbers 14 - 15, which shall read as follows:

14. Medical and Recreational Marihuana Grow Facilities and Establishments, subject to Section 6.02.

15. Medical and Recreational Marihuana Processors, subject to Section 6.02.

**2. SECTION TWO.** Article III - Districts, Section 3.07(C), C-1 Commercial District, Special Land Uses, is amended to add Numbers 8 - 10, which shall read as follows:

8. Medical and Recreational Marihuana Grow Facilities and Establishments, subject to Section 6.02.

9. Medical and Recreational Marihuana Processors, subject to Section 6.02.

10. Medical and Recreational Marihuana Secure Transporters, subject to Section 6.02.

11. Medical and Recreational Marihuana Safety Compliance Testing Labs, subject to Section 6.02.

**3. SECTION THREE.** Article III – Districts, Section 3.08(C), I-1 Industrial District, Special Land Uses, is amended to add Numbers 3 - 5, which shall read as follows:

3. Medical and Recreational Marihuana Grow Facilities and Establishments, subject to Section 6.02.

4. Medical and Recreational Processors, subject to Section 6.02.

5. Medical and Recreational Marihuana Secure Transporters, subject to Section 6.02.

6. Medical and Recreational Marihuana Safety Compliance Testing Labs, subject to Section 6.02.

**4. SECTION FOUR.** Article VI, Section 6.02(Z) is hereby added to include the following:

Z. Medical and Recreational Marijuana Facilities and Establishments by Special Use, Subject to Section 6.02.

A. REGULATIONS. The following medical and recreational marijuana facilities and establishments, which are also referred to as “Marihuana Businesses”, are special land uses in certain zoning districts and are subject to all of the general requirements in Section 6.02 and the following specific requirements. In order to have a Special Land Use Permit granted by the Township, the Planning Commission has to initially find in the Applicant’s favor on the general requirements in Section 6.02 AND meet the attached additional requirements in this Section, and the Land Use may be subject to additional requirements as the Planning Commission determines under Section 6.02. The Applicant must also apply and be awarded a local Permit by the Jefferson Township Board. Except as may be pre-empted by State law or Regulation, a Marihuana Business has to meet the following general requirements to obtain a Special Land Use Permit:

1. A Marihuana Business must obtain a state license before they can open for business.
2. No person shall reside in or permit any person to reside in the Marihuana Business where the permit is applicable.
3. No person under the age of eighteen (18) shall be allowed to enter into the Marihuana Business without a parent or legal guardian.
4. Signs shall comply with the Township’s sign ordinance.
5. There shall be posted in a conspicuous location within each Marihuana Business a legible sign containing the following warning language:
  - a. The possession, use, or distribution of marihuana is a violation of federal law.
  - b. It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
6. Outdoor storage or growth of any product is strictly prohibited.
7. Discharge of toxic, flammable or hazardous materials into the Township sewer is prohibited.
8. A copy of premises liability and casualty damage insurance shall be submitted to the Township when the Applicant has been notified that they have been approved for a Permit.

9. Marihuana Businesses shall at all times maintain a security system that meets State law requirements and regulations. A description of the security plan shall be submitted with the Application for a Permit. A separate security system is required for each Marihuana Business. The Security Plan must include, at a minimum the following:

- a. Security surveillance cameras installed to monitor and record all entrances, along with the interior and exterior of the permitted premises and all areas of the premises where persons may gain or attempt to gain access to marihuana, marihuana infused products, or cash maintained by the Marihuana Business.
- b. Robbery and Burglary alarm systems which are professionally monitored and operated 24 hours a day/7 days a week. The security plan submitted to the Township shall identify the company monitoring alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.
- c. A locking safe permanently affixed to the Location that shall store any processed marihuana and all cash remaining in the Marihuana Business overnight. For marihuana infused products that must be kept refrigerated or frozen, the Marihuana Business may lock the refrigerated container or freezer in a manner authorized by the Township in place of use of a safe, so long as the container is affixed to the building structure.
- d. All Marihuana in whatever form stored at the Marihuana Business shall be kept in a secure manner and shall not be visible from outside the Location, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Location.
- e. All security recordings and documentation shall be preserved for at least thirty (30) days by the Permit Holder/Licensee and made available to any law enforcement upon request for inspection.

10. The amount of marihuana at the Marihuana Business and under the control of the Permit Holder/Licensee, owner or operator of the Facility shall not exceed that amount permitted by the state License or the Township's Permit.

11. Smoking or consumption of controlled substances, including Marihuana, within the Marihuana Business is prohibited. It shall be a violation of the Jefferson Township Zoning Ordinance to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all the following gives rise to a rebuttable presumption that a person or stakeholder allowed the consumption of marihuana on or within a Location in violation of this section:

- (a) The person had control over the Location or the portion of the Location where the marihuana was consumed.
- (b) The person knew or reasonably should have known that the marihuana was consumed

(c) The person failed to take corrective action.

12. All activities of any Marihuana Business must occur indoors.

13. The operation and design of the Marihuana Business shall minimize any impact to adjacent uses so as not to interfere with the reasonable and comfortable use and enjoyment of another's property, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Location. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of another's property shall be measured against the objective standards of a reasonable person. No marihuana shall be cultivated, grown, manufactured or processed in any manner that would emit odors beyond the interior of the premises or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration system to ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the Location in which the odor is generated. Venting of marihuana odors into the areas surrounding the Location is deemed and declared to be a public nuisance. In the event that any odors, debris, dust, fluids, or other substances exit a Location, the owner of the Location and the Permit Holder/Licensee shall be jointly and severally responsible for immediate full clean-up and correction of such condition.

14. All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty, including but not limited to:

a. maintaining adequate personal cleanliness;

b. washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hand may have become soiled or contaminated; and

c. refraining from having direct contact with marihuana 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.

15. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.

16. Floors, walls and ceilings shall be constructed and or maintained in such a manner that they may be adequately cleaned and kept in good repair.

17. 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 waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.

18. Marihuana Businesses shall be free from infestation by insects, rodents, birds, or vermin, of any kind.

19. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

20. There shall be no other accessory uses permitted within the same Location other than those associated with cultivating, processing or testing marihuana. Multi-tenant industrial buildings may permit accessory uses in suites segregated from each Marihuana Business.

21. All necessary building, electrical, plumbing, and mechanical and fire suppression permits shall be obtained from the Township for any portion of the Marihuana Business in which electrical wiring; lighting and /or watering devices that support the cultivation, growing, harvesting, processing or secure transporting of the marihuana are located.

22. That portion of the Marihuana Business where any chemicals such as herbicides, pesticide, fertilizers are stored shall be subject to inspection and approval by the Township Fire Department to ensure compliance with the applicable fire code.

23. The dispensing and retail sale of marihuana at the Marihuana Business shall be prohibited. No free samples of medical marihuana shall be distributed from any Marihuana Business.

24. Growers shall not produce products other than useable Marihuana intended for human consumption.

25. A Marihuana Business shall be open for inspection during the stated hours of operation and as such other times as anyone is present at the Location. No person shall refuse entry to, or in any manner interfere with the inspection of any Marihuana Business.

26. A Grower may co-locate with a Processor. However, each Marihuana Business must acquire separate Licenses and Permits.

27. Any failure by a Permit Holder/Licensee to comply with the provisions of MMMA, MMFLA, MRTMA, the MTA, and the General Rules of the Department of Licensing and Regulatory Affairs or their successors, as they may be amended from time to time, or this Article, is a violation of this Article and is sufficient grounds for suspension and revocation of the Permit issued under this Article.

B. The following definitions apply to this Section and Special Land Use Permits under this Section 6.02(Z):

“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages Marihuana for sale to a Processor or Provisioning Center.

“License” means a current and valid License for a Commercial Medical Marihuana Facility or a Marihuana Establishment issued by the State of Michigan.

“Licensee” means a person holding a state operating license under the MMFLA or MRTMA.

“Location” means the particular building or buildings within a Permitted Property on which the Permit Holder will be authorized to conduct the Medical Marihuana Facility(s) or Marihuana Establishment(s) activities pursuant to the Permit.

“Permit Application” refers to the requirements and procedures set forth by the Township Board and in this Zoning Ordinance for a Special Land Use Permit.

“Marihuana” means that termed as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

“Marihuana Business” means a marihuana facility under the MMFLA or a marihuana establishment under the MRTMA, or both.

“MMMA” means the Michigan Medical Marihuana Act, MCL 333.26421 et. seq. as amended from time to time.

“MMFLA” means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et. seq. as amended from time to time.

“MRTMA” means the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27951 et. seq. as amended from time to time.

“Marihuana Establishment” means a location at which a licensee is required to be licensed to operate under the MRTMA and under this Section, includes a Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, and a Marihuana Secure Transporter.

“Medical Marihuana Facility(ies)” means a location at a which a licensee is required to be licensed to operate under the MMFLA and under this Section; includes a Grower, Processor, Safety Compliance Facility, and Secure Transporter.

“MTA” means the Marihuana Tracking Act, MCL 333.27901 et.seq. as amended from time to time.

“Ordinance” means the Jefferson Township Zoning Ordinance and any amendments thereto.

“Permit” means the formal document of approval issued by the Township under this Ordinance, which shall grant to a Permit Holder the ability to obtain a License(s) for a commercial medical marihuana facility(s) and/or a Marihuana Establishment, only for and limited to, a specific Location.

“Permit Holder” means the Person that holds a current and valid Permit issued under this Ordinance.

“Permitted Property” means the real property comprised of a lot, parcel or other designated unit of real property (ie; property address) upon which the Location is situated.

“Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

“Processor” Shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

“Safety Compliance Facility” shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

“Secure Transporter” shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

“Stacked License” means more than one (1) marihuana license issued to a single licensee to operate as a class C grower as specified in each license at a marihuana business under the MMFLA or MRTMA or both.

“Stakeholder” means, with respect to a trust, the beneficiaries, with respect to a limited Liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

“State” means the State of Michigan.

“Township” shall mean Jefferson Township in Cass County, Michigan.

Any term defined by the MMMA, the Medical Marihuana Facilities Licensing Act or the MRTMA and not defined in this Article shall have the definition given in the MMMA, the Medical Marihuana Facilities Act or the MRTMA.

**SECTION FIVE.** This Ordinance will become effective seven (7) days after publication.

AYES: Brunner, Brundt, Gilliam, Hass, Mendenhall

NAYS: none

**ORDINANCE DECLARED ADOPTED.**

March 9, 2023

Jenny Brunner  
Jenny Brunner, Township Clerk