

**JEFFERSON TOWNSHIP**

**COUNTY OF CASS**

**STATE OF MICHIGAN**

**Ordinance No. 2023-7**

**ADULT USE MARIHUANA ESTABLISHMENTS ORDINANCE.** An ordinance to define, authorize and regulate certain adult use marihuana establishments in Jefferson Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended; to provide for an annual fee; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith, and to provide a procedure for applying for a Township Marihuana Establishment License.

**JEFFERSON TOWNSHIP, CASS COUNTY, MICHIGAN ORDAINS:**

This ordinance shall be known as and may be cited as the Jefferson Township Adult Use Marihuana Establishments Ordinance.

**Section 1. PURPOSE.** The purpose of the ordinance is to allow and regulate Adult Use (Recreational) Marihuana Establishments in the Township in order to protect the public health, safety and general welfare of the Township's residents, to provide reasonable regulations regarding Township licensing of Adult Use Marihuana Establishments, to provide a method to defray administrative costs of such establishments and to coordinate Township regulations and license approval with laws and regulations enacted by the State of Michigan. It is not the intent of this Ordinance to restrict or abrogate the protections for adult use marihuana found in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended. For purpose of this Ordinance "adult use" means use by someone age 21 or older.

**Section 2. DEFINITIONS.** Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as amended.

**Section 3. AUTHORIZED MARIHUANA ESTABLISHMENTS.**

- A. Jefferson Township authorizes an unlimited number of Adult Use (also referred to as "recreational") marihuana growers, processors, secure transporters, and safety compliance testing establishments in the Township; recognizing that the Township Zoning Ordinance, Article III which contains special uses by district, and Article VI, Section 6.02(Z), has placed locational limitations on such Establishments which by their nature will necessarily limit the numbers due to availability of eligible parcels.

Jefferson Township authorizes zero (0) of the following uses: adult use marihuana retailers of any nature or type, excess growers, event organizers, consumption establishments; adult use microbusinesses; temporary marihuana events, and any other adult use marihuana business not listed in the previous paragraph.

- B. On and after April 15, 2023, the Township shall accept applications for authorization to

operate an adult use marihuana establishment authorized by this Ordinance within the Township, subject to the applicant's receipt of a Special Land Use Permit from the Township 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 adult use marihuana establishment fee and the application fee shall be submitted to the Clerk or designee. Upon consideration, if the establishment type is available and the applicant has received a Special Land Use Permit from the Township Planning Commission, then the applicant shall receive conditional authorization to operate such adult use marihuana establishment within the Township.

- C. 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.
- D. 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.
- E. A conditionally authorized applicant shall receive full authorization from the Township to construct and operate the adult use marihuana establishment within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the adult use marihuana establishment 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 establishment within the Township.
- F. 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 4. GENERAL REGULATIONS REGARDING AUTHORIZED ADULT USE MARIHUANA ESTABLISHMENTS.**

- A. An authorized adult use marihuana establishment shall only be operated within the Township by the holder of a state operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended, and the Administrative Rules promulgated thereunder. The establishment shall only be operated for as long as the state operating license remains in effect.

- B. Prior to operating an authorized adult use marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all applicable zoning regulations and Special Land Use Permit requirements. The establishment shall only be operated as long as it remains in compliance with all applicable zoning ordinance regulations.
- C. Prior to operating an authorized adult use marihuana establishment within the Township pursuant to a state operating license, the establishment must comply with all Township construction, fire code and building ordinances, all other Township ordinances specifically regulating adult use marihuana establishments, and generally applicable Township police power ordinances. The establishment 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 adult use marihuana establishment shall consent to inspection of the establishment 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 adult use marihuana establishment violates this ordinance or any other Township 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 establishment'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 adult use marihuana establishment 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 adult use marihuana establishments authorized to operate within the Township.

**Section 5. ANNUAL ADULT USE MARIHUANA FEE.** There is hereby established an annual nonrefundable Township adult use marihuana establishment fee in the amount of \$5,000, for each authorized adult use marihuana establishment within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual adult use marihuana establishment 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 adult use marihuana establishment.

**Section 6. 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 Establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

**Section 7. REPEAL.**

Ordinance No. 2023-7, Adult use Marihuana Opt-out Ordinance is repealed.

**Section 8. EFFECTIVE DATE.**

This ordinance shall take effect 7 days after publication.

AYES: Brunner, Bundle, Gillam, Hess, Mendenhall

NAYS: None

**ORDINANCE DECLARED ADOPTED.**

March 9, 2023

Jenny Brunner  
Jenny Brunner, Township Clerk