

TOWNSHIP OF THETFORD
ORDINANCE NUMBER 2018-4-001

An Ordinance to authorize and regulate Medical Marihuana Facilities authorized by the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016.

THE TOWNSHIP OF THETFORD ORDAINS:

Section 1. Definitions.

The following words and phrases shall have the following definitions when used in this Ordinance:

1. "Application," means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application is known as the "Applicant."

2. "Clerk," means the Thetford Township Clerk or his/her designee.

3. "Commercial Medical Marihuana Facility," or "Facility" means one of the following:

- a. "Provisioning Center," as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");
- b. "Processor," as that term is defined in the MMFLA;
- c. "Secure Transporter," as that term is defined in the MMFLA;
- d. "Grower," including Class A (500), Class B (1000) and Class C (1500) as those terms are defined in the MMFLA;
- e. "Safety Compliance Facility," as that term is defined in the MMFLA.

4. "Department," means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.

5. "Drug-Free Zone," means an area surrounding a school or library by 1,000 feet, or a daycare, church and park by 500 feet.

6. "License," means a current and valid License for a Commercial Medical

Marihuana Facility issued by the State of Michigan.

7. *"Licensee,"* means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.

8. *"Marihuana,"* means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

9. *"Medical Marihuana,"* means that term as defined in MCL 333.26423.

10. *"Paraphernalia"* means drug paraphernalia as defined in Section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.

11. *"Patient,"* means a "registered qualifying patient" or a "visiting qualifying patient" as MCL 333.26421, et seq., defines those terms.

12. *"Permit,"* means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. This Permit shall be in addition to the Special Use Permit required to be obtained under the Township Zoning Ordinance.

13. *"Permit Holder,"* means the Person that holds a current and valid Permit issued under this Ordinance.

14. *"Permitted Premises,"* means the particular building, buildings, or greenhouse structures within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit.

15. *"Permitted Property,"* means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.

16. *"Person,"* means a natural person, company, partnership, profit or non-profit corporation, limited liability Company, or any joint venture for a common purpose.

17. *"Public Place,"* means any area in which the public is invited or generally permitted in the usual course of business.

Section 2. Permit Required; Eligibility; General Provisions.

1. The Township hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities as permitted Special Land Uses:

in the GC (General Commercial) and LM (Limited Manufacturing) Zoning Districts.

- a. Growers, Class A (up to 500 plants)
- b. Growers, Class B (up to 1000 plants)
- c. Growers, Class C (up to 1500 plants)
- d. Processors
- e. Provisioning Centers
- f. Safety Compliance Facilities
- g. Secure Transporters

Medical marihuana facilities shall be unlimited in number. The numbers of allowed facilities may change at any time by resolution of the Township Board.

2. No person shall operate a Commercial Medical Marihuana Facility at any time or any location within the Township unless issued a current Permit under this Ordinance.

3. Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance. Medical Marihuana facilities may be co-located on the same property, and facility licensees may apply for more than one license, commonly known as "stacking" where stacking is allowed by the State of Michigan and where each license is separately applied for within the application process. Each facility license is a separate license, and must be paid for accordingly prior to operation. The maximum number of medical marihuana plants allowed to grow on a single parcel of land is 1,500.

4. The requirements set forth in this Ordinance shall be in addition to, not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.

5. At the time of Application or Renewal Application, each Applicant shall pay a non-refundable \$5,000.00 application fee or \$5,000.00 renewal application fee, and inspection fees in amounts set by resolution of the Township Board for Permits to the Township to defray costs incurred by the Township for inspection, administration, and enforcement this ordinance.

6. A Permit and a renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder,

and shall remain valid only for 365 days immediately following its approval.

7. Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.

8. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.

9. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee had submitted an Application and all required fees under this Ordinance and has been granted a Permit by the Township Board. No Permit issued under this Ordinance is transferable to any other location except for the Permitted Premises on the Permitted Property.

10. The original Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises, in a location easily viewed by the public, law enforcement and administrative authorities.

11. Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random and unannounced examinations of the Facility and all articles of property in that Facility at any time to ensure compliance with this Ordinance, any other local regulations, and with the Permit.

12. A Permit Holder may not engage in any other Commercial Medical Marihuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the Township, without first obtaining a separate Permit.

13. A Commercial Medical Marihuana Facility in a Residence is not permitted and no license will be granted or renewed for a Facility in a Residence.

Section 3. Other Laws and Ordinances.

In addition to the terms of this Ordinance, any Commercial Medical Marihuana Facility shall comply with all Township Ordinances, including without limitation the Township Zoning Ordinance, and with all other applicable state and local ordinances, laws, codes and regulations. To the extent that the terms of this Ordinance conflict with the terms of any other applicable state or local ordinances, laws, codes or regulations,

the terms of the most restrictive ordinance, law, code or regulations shall control.

Section 4. Application for Permits.

1. Application. An Application for a Permit for a Facility shall be submitted to the Clerk, and shall contain the following information:
 - a. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Commercial Medical Marihuana Facility;
 - b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Commercial Medical Marihuana Facility;
 - c. One (1) copy of all documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
 - d. If the proposed Permit Holder is a corporation, non-profit organization, Limited Liability Company or any other entity other than a natural person, indicate its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing.
 - e. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - f. Evidence of a valid sales tax license for the business if state law or local regulations require a license.
 - g. Application for a Sign Permit, if any sign is proposed.
 - h. Non-refundable Application fee of \$5,000.00.
 - i. Business and Operations Plan, showing in detail the Commercial Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:
 - i. A description of the type of Facility proposed and the anticipated or actual number of employees.

- ii. A security plan meeting the requirements of Section 5 of this Ordinance, which shall include a general description of the security system(s), current centrally alarmed and monitored security system service agreement for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
- iii. A description by category of all products sold.
- iv. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Commercial Medical Marihuana Facility.
- v. A description and plan of all equipment and methods that will be employed to minimize any impact to adjacent uses, including enforceable assurances that minimal odor will be detectable from outside of the Permitted Premises.
- vi. A plan for the disposal of Marihuana and related byproducts, chemicals, nutrients and pesticides used at the Permitted Premises.
- j. An identification of any business directly or indirectly involved in the growing, processing, testing, transporting or sale of Marihuana for the Facility.
- k. Whether any Applicant has ever applied for or been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed; and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or non-renewal, including the licensing authority, the date each action was taken, and the reason for each action.
- l. A site plan and interior floor plan of the Permitted Premises and the Permitted Property, to submit to the Township Planning Commission for review and approval, or pursuant to Article XVI of the Township Zoning Ordinance.
- m. Information regarding any other Commercial Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State and the Applicant's involvement in

each Facility.

Information obtained from the Applicant or proposed Permit Holder is exempt from public disclosure under state law.

2. Renewal Application. The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications. Renewal Applications shall require Township Board approval and shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the annual Permit, except that an Application requesting a change in the location of the Permitted Premises shall be submitted and received not less than one hundred twenty (120) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The Township will not accept Renewal Applications after the expiration date of the Permit.

3. Approval, Issuance, Denial and Appeal. Inspections, review and processing of the Application shall be completed within ninety (90) days of submittal of a complete Application and payment of all required fees. The Township Board shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees, or within one hundred fifty (150) days if the location of the Permitted Premises proposes to be amended. The Township for good cause may extend the processing time upon written notice, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that the pendency of an appeal shall not stay or extend the expiration of any Permit. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board. A determination of a complete Application shall not prohibit the Township from requiring supplemental information.

4. Applications for new Permits where no Building is yet in Existence. Any Applicant for a Commercial Medical Marihuana Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have one year immediately following the date of the Township's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations..

5. Duty to Supplement.

- a. If, at any time before or after a Permit is issued pursuant to this Ordinance, any information required in the Application, the MMFLA or any rule or regulation promulgated thereunder, changes in any way from that which is stated in the Application, the Applicant or Licensee shall supplement such information in writing within ten (10) business days from the date upon which such change occurs.
- b. An Applicant or Permit Holder has a duty to notify the Township Board in writing if any owner, principal officer, director, manager, or employee within ten (10) business days of any of the following events:
 - i. A pending criminal charge, and criminal conviction. Whether it is a felony, misdemeanor, or violation of a local law related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of any controlled substance.
 - ii. A violation of the MMMA, the MMFLA, or any building, fire, health zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of Marihuana.

Section 5. Operational Requirements for Commercial Medical Marihuana Facilities.

A Commercial Medical Marihuana Facility issued a Permit under this Ordinance and operating in the Township must comply at all times with the following operational requirements, which the Township Board may review and amend from time to time, as it deems reasonable.

1. **Scope of Operation.** Commercial Medical Marihuana Facilities shall comply with all applicable codes of the state local zoning, building, and health departments. The Facility must hold a valid Local Permit and State Commercial Medical Marihuana Facility License for the type of Commercial Medical Marihuana Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding of any licenses, if applicable, are satisfied.

2. **Required Documentation.** Each Commercial Medical Marihuana Facility must operate from the Permitted Premises on the Permitted Property. No Commercial Medical Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a Permitted and Licensed Secure Transporter when engaged in the lawful transportation of Marihuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent

or legal guardian.

3. Security. Permit Holders shall at all times maintain a security system that meets State law requirements, and shall also include the following:

- a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises;
- b. Robbery and burglary alarm systems that are professionally monitored and operated twenty-four (24) hours per day, seven (7) days per week;
- c. A locking safe or vault permanently affixed to the Permitted Premises that shall store all Marihuana and cash remaining in the Facility overnight;
- d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner and shall not be visible from outside the Permitted Premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Permitted Premises; and
- e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement upon request.
- f. Fencing approved by the Township Planning Commission shall surround all Grower and Processing Commercial Medical Marihuana Facilities.

4. Zoning Restrictions. No Commercial Medical Marihuana Facility shall be located within one thousand (1000) feet from any drug free zones as defined by Michigan's Public Health Code 333.7410(2), or five hundred (500) feet from day care centers, places of worship and parks.

5. Operating Hours. No Provisioning Center shall operate between the hours of 10:00 p.m. and 8:00 a.m.

6. Amount of Marihuana. The amount of Marihuana on the Permitted Property and under the control of the Permit Holder, owner or operator of the Facility shall not exceed that amount permitted by the state License or the Township's Permit.

7. Sale of Marihuana. The Marihuana offered for sale and distribution must be packaged and labeled in accordance with state law. The Facility is prohibited from selling, soliciting or receiving orders for Marihuana or Marihuana Products over the internet.

8. Sign Restrictions. No pictures, photographs, drawings or other depictions of Marihuana or Marihuana Paraphernalia shall appear on the outside of the Permitted Premises or on the Permitted Property. The word Marihuana or Marijuana and any other words used or intended to convey the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the Permitted Property. The use of a green cross is permitted.

9. Use of Marihuana. The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. It is prohibited to smoke or consume controlled substances, including Marihuana, on the Permitted Premises.

10. Indoor Operation. All activities of Commercial Medical Marihuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marihuana, and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that only minimal odor is detectable outside the Permitted Premises.

11. Unpermitted Growing. A Patient may not grow his or her own Marihuana at a Commercial Medical Marihuana Facility.

12. Distribution. No person operating a Facility shall provide or otherwise make available Marihuana to any person not legally authorized to receive Marihuana under state law.

13. Permits. All necessary building, electrical, plumbing, and mechanical permits are required for the Permitted Premises in which electrical, wiring, lighting or watering devices supporting the cultivation, growing, harvesting or testing of Marihuana.

14. Waste Disposal. The Permit Holder, Owner and Operator of the Facility must use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.

15. Transportation. Marihuana may be transported by a Secure Transporter within the Township under this Ordinance, and to effectuate its purpose, only:

- a. By Persons who are otherwise authorized by state law to possess Marihuana for medical purposes;
- b. In a manner consistent with all applicable state laws and rules, as

amended;

- c. In a secure manner designed to prevent the loss of the Marihuana;
- d. No vehicle used for the transportation or delivery of Marihuana under this Ordinance shall have for markings the words "Marihuana", "cannabis" or any similar words; pictures or other renderings of the Marihuana plant; advertisements for Marihuana or for its sale, transfer, cultivation, delivery, transportation or manufacture, or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting Marihuana.
- e. No vehicle may be used for the ongoing or continuous storage of Marihuana, but may only be used incidental to, and in furtherance of, the transportation of Marihuana.

16. Additional Conditions. The Township Board may impose such reasonable terms and conditions on a Commercial Medical Marihuana Facility special use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Section 6. Penalties and Consequences for Violation.

Violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be subject to and found responsible for a municipal civil infraction. The forfeiture for any municipal civil infraction shall be \$500.00 plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues is a separate municipal civil infraction.

The owner of record or tenant of any building, structure or premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in or maintains such violation may each be found guilty or responsible of a separate offense and suffer the penalties and forfeitures provided in subsections one (1) and two (2) of this section, except as excluded from responsibility by state law.

In addition to any other remedies, the Township may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance

Section 7. Severability.

The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 8. Effective date.

This Ordinance shall take effect immediately following publication or posting after final adoption by the Township Board.

At a regular meeting of the Board of Trustees of Thetford Township held on April 23, 2018, adoption of the foregoing ordinance was moved by Rachel Stanke and supported by John Congdon.

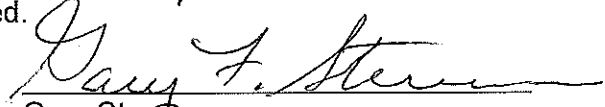
Voting for: Shelly Ayotte, Leanne Pennington, John Congdon

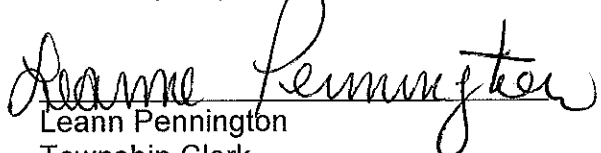
Rachel Stanke

Voting against:

Eric Gunnels, Gary Stevens, Stanley Piechnik

The supervisor declared the ordinance adopted.


Gary Stevens
Township Supervisor

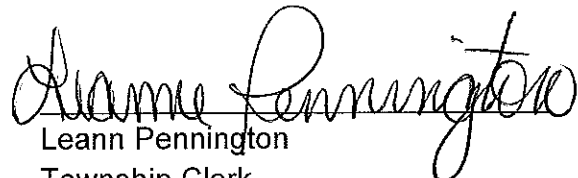

Leann Pennington
Township Clerk

CERTIFICATION

2018-4-

The foregoing is a true copy of Ordinance No. 601, which was enacted by the Thetford Township Board of Trustees at a regular meeting held on

April 23, 2018.


Leann Pennington
Township Clerk