

**ORDINANCE NO. 36  
TOWNSHIP OF JEFFERSON  
COUNTY OF HILLSDALE, STATE OF MICHIGAN**

**ORDINANCE NO. 36  
ADOPTED: FEBRUARY 13, 2018  
EFFECTIVE: MARCH 27, 2018**

**MEDICAL MARIHUANA FACILITIES ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in Jefferson Township pursuant to Public Act 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

**THE TOWNSHIP OF JEFFERSON  
HILLSDALE COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
TITLE**

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

**SECTION II  
DEFINITIONS**

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.

**SECTION III  
AUTHORIZED MEDICAL MARIHUANA FACILITIES**

1. The following medical marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance:

a) Not more than 5 grower(s) shall be authorized in the Township, which number shall include all of the following Class A, Class B and Class C growers authorized in the Township:

1. Not more than 2 Class A growers (500 marihuana plants) may be authorized in the Township.
2. Not more than 2 Class B growers (1,000 marihuana plants) may be authorized in the Township.
3. Not more than 1 Class C growers (1,500 marihuana plants) may be authorized in the Township.

2. On and after March 28, 2018, the Township shall accept applications for authorization to operate a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk or Deputy Clerk. Once the Clerk or Deputy Clerk receives a complete application including the initial annual medical marihuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such medical marihuana facility within the Township. Once the limit on the number of an authorized facility is conditionally reached, then any additional complete applications shall be held in consecutive time and date stamped order for future conditional authorization. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time and receive refund of the initial annual medical marihuana fee submitted.
3. Within thirty days from conditional authorization from the Township or from December 15, 2017, whichever is later, the conditionally authorized applicant must submit proof to the Clerk that the applicant has applied for prequalification from the state for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.
4. 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 will be canceled by the Clerk and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.
5. A conditionally authorized applicant shall receive full authorization from the Township to 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 operation.
6. 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 and the conditional authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein. 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 IV**  
**GENERAL REGULATIONS REGARDING**  
**AUTHORIZED MEDICAL MARIHUANA FACILITIES**

1. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
2. 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 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.
3. An authorized medical marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
4. If at any time an authorized medical marihuana facility violates this ordinance the Township Board 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 and the authorization shall be available to the next applicant in consecutive time and date stamped order as provided for in Section III (2) herein.

5. 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.

6. 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 V MEDICAL MARIHUANA FACILITY FEE AND LICENSE RENEWAL

1. 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.

2. A marihuana facility license issued under this ordinance shall be valid for one year from the date of issuance of full authorization by the Township, unless earlier revoked as provided by law.

3. A valid marihuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the Township and payment of the annual medical marihuana facility fee provided for in section V of this ordinance. The application to renew the license shall be filed at least thirty (30) days prior to the date of its expiration.

4. Applications for a marihuana facility license under this Ordinance shall be subject to the following:

a) After submission to the Clerk of a fully-completed initial application for the issuance of a new license, and departmental verification as provided for in subsection c) below, the application shall be reviewed and evaluated by the Ordinance Enforcement Officer, which shall make a recommendation for or against approval of the application to the Township Board and the Township Board shall thereafter consider and either approve or reject the applications. Approval of the application by the Township Board shall result in a conditional authorization in favor of the applicant, pursuant to section III of this ordinance. Upon the submission to the Clerk of a fully-completed application for the renewal of an existing marihuana facility license, the license will be submitted to and automatically renewed by the Township Board for one (1) year upon verification that:

1. There are no uncured administrative violations in the prior years;
2. The applicant has paid the annual licensing fee for the renewal period;
3. Any Stakeholder changes have been fully disclosed to the Township
4. The applicant has paid and received the renewal of its state license; and
5. At the time of renewal the licensed facility is in material compliance with all applicable state and local statutes, ordinances, codes, and regulations.

b) An application for a marihuana facility license pursuant to this ordinance shall contain the following:

1. The required application fee;
2. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;

3. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addressed, and one or more phone numbers for each partner/shareholder/member or other individual with an ownership or equity interest in the applicant organization (each being a "Stakeholder"), including designation of the highest ranking Stakeholder as an emergency contact person along with emergency contact information for the emergency contact person. The organization shall also provide copies of its formation documents (including, but not limited to, its articles of association/organization, partnership agreement, corporate by-laws, operating agreement, etc.), any assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, or such other documents relating to the ownership, management, structure, and operation of the organization as may be deemed relevant to the application in the City's reasonable discretion.
4. The name and address of the proposed marihuana facility and any additional contact information deemed necessary by the Township Clerk;
5. For an individual applicant, or for each Stakeholder of an organizational applicant, an affirmation under oath as to whether they are at least eighteen (18) years of age and have never been indicted for, charged with, arrested for, convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged, any criminal offense under the laws of any jurisdiction for either a felony involving a controlled substance or a related misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise (a "Disclosable Event"). For any such Disclosable Event, the applicant shall include: the date of the event; the name and location of the court, arresting agency, and prosecuting agency; the case caption, docket number, citation number, or file number, if any; the nature of the offense; and the disposition, including the location and length of any incarceration.
6. A signed release authorizing the Township of Jefferson to perform a criminal background check on the applicant, each Stakeholder of the applicant, and each employee of the applicant;
7. The name, date of birth, physical address, copy of photo identification, and email address for any current or prospective employee of the proposed marihuana facility, if other than the applicant or a Stakeholder;
8. An affirmation under oath as to whether the applicant has ever applied for or has 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 nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;
9. One of the following: (a) proof of ownership of the entire premises wherein the proposed marihuana facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease of the premises;
10. Proof of an adequate premises liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Michigan Medical Marihuana Facilities Licensing Act or other applicable state laws, covering the marihuana facility and naming the Township as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or any Stakeholders, agents, employees, or contractors;

11. A description of the security plan for the marihuana facility, including, but not limited to, any lighting alarms, barriers, recording/monitoring devices and /or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment;
12. A floor plan of the proposed marihuana facility, as well as a scale diagram illustrating the property upon which the marihuana facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped accessible;
13. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the Township. The affidavit shall specifically state that the individual applicant or each Stakeholder of an organizational applicant has not failed to pay any property taxes, special assessments, fines, fees, or other financial obligations owed to the Township;
14. . An affidavit that the transfer of marihuana to and from the proposed marihuana facilities shall be in compliance with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act , and all other applicable state and local statutes, ordinances, codes, rules, and regulations.
15. A staffing plan for the proposed marihuana facility;
16. Any proposed text or graphical materials to be shown on the exterior of the proposed marihuana facility;
17. A patient education plan if the application is for a provisioning center license;
18. A business plan for the proposed marihuana facility;
19. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction in the sewerage system is prohibited;
20. Verification, with copies of actual bank statements, showing that the applicant has liquid funds in the applicant's name in the amount needed to complete the marihuana facility, but in no event less than the amount required by the State of Michigan for the issuance of a state marihuana facility license;
21. If the application is for a Grower Facility, the following additional items shall be provided:
  - i. A Grower Plan that includes at a minimum a description of the grower methods to be used, including plans for the growing mediums, treatments and/or additives;

- ii. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be selected, what type of testing will be required, and how the test results will be used;
  - iii. An affidavit that all operations will be conducted in conformance with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and all other applicable state and local statutes, ordinances, codes, rules, and regulations, and that the applicant shall not cultivate on the premises of the proposed grower facility at any one time more than the permitted number of marihuana plants for the type of facility licensed; and
  - iv. A chemical and pesticide storage plan that states the names of pesticides and chemicals to be used in the growing operations and where and how any such pesticides and chemicals will be stored in the facility, along with a plan for the disposal of any unused pesticides and chemicals.
- c) Upon receipt by the Clerk of a completed application meeting the requirements of this Ordinance and confirmation by the Clerk that the number of existing licenses does not exceed the maximum number permitted by this ordinance, the Clerk shall provide a copy of the application to each of the following for their review and approval: the Jefferson Township Fire Department; the Township Code Enforcement Officer or their designee, which shall each determine whether the application appears sufficiently complete and comprehensive, and for review and approval as provided in subsection d) below. Upon verification by each such official that the application appears to be sufficiently complete and comprehensive and upon the written approval of compliance required by subsection d) below, and no sooner, the Township Clerk shall forward the applications to the Township Board for approval.
- d) No application for an initial marihuana facility license shall be approved unless:
- 1. The Jefferson Township Fire Department and the Code Enforcement Officer or their designee, have each inspected the plans of the proposed marihuana facility location for compliance with all laws for which they are charged with enforcement;
  - 2. An individual applicant, or each Stakeholder of an organizational applicant, and all employees of the applicant, have passed a criminal background check;
  - 3. The Township Treasurer or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the Township.
- e) If an applicant for a new or renewal license becomes aware of a material change in any information provided in an application, the applicant shall report the change in the information to the Township Clerk within ten (10) days of becoming aware of the change.

5.Applications for a license for a marihuana facility pursuant to this ordinance shall be evaluated consistent with the following:

- a) Each application shall be reviewed and assessed with regard to each of the following categories:
  - 1. The applicant's experience in operating other similarly licensed businesses.
  - 2. The applicant's general business management experience.

3. The applicant's general business reputation.
4. The applicant or Stakeholders' integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a marihuana facility.
5. The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
6. The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility.
7. Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed on appeal or otherwise.
8. Past convictions of the applicant or any Stakeholder involving any of the following, but limited to:
  - i. gambling;
  - ii. prostitution;
  - iii. weapons;
  - iv. violence;
  - v. tax evasion;
  - vi. fraudulent activity; and
  - vii. serious moral turpitude.
9. A felony or misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner;
10. Whether the applicant or any Stakeholder has filed, or had filed against it, a proceeding for bankruptcy or insolvency within the past seven (7) years;
11. Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state or local law that has been delinquent for one (1) or more years;
12. Whether the applicant has a history of noncompliance with any regulatory requirements in this State or any other jurisdiction;
13. As it relates to operation of a proposed provisioning center, the applicant's type of service and product that will be offered and the overall theme and atmosphere of the proposed provisioning center.

- c) The Code Enforcement Officer shall assess each application with regard to the criteria provided for in this ordinance and approve the issuance of a license to an applicant it believes is properly qualified. In the event that applications are received for a type of facility that exceed the total number of licenses available under this ordinance for that type of facility, the Code Enforcement Officer will assess each application and approve the issuance of a license to the applicant(s) that it deems to be the most qualified of the competing applicants pursuant to the criteria set forth in this ordinance.

**SECTION VI**  
**VIOLATIONS AND PENALTIES**

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

**SECTION VII**  
**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 medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

**SECTION VIII**  
**REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION IX**  
**EFFECTIVE DATE**



This ordinance shall take effect thirty days after publication upon adoption.

Date Adopted: February 13, 2018

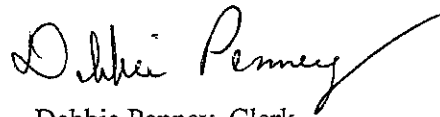
Date Published: February 27, 2018

Effective Date: March 27, 2018

I hereby certify the foregoing to be a true copy of an ordinance adopted at a Special meeting of the Jefferson Township Board held on February 6, 2018. Public notice of the meeting was given as provided by law.



Steve Wismar, Supervisor



Debbie Penney, Clerk

Effective Date: March 27, 2018

(Published in the Hillsdale Daily News February 27, 2018)