

**THETFORD TOWNSHIP  
ORDINANCE NUMBER 2024-02-15**

An ordinance to regulate marijuana facilities in Thetford Township (the "Township"); to repeal and replace Ordinance No. 2018-4-001; and to prescribe penalties for violations thereof.

**THE TOWNSHIP OF THETFORD ORDAINS:**

Thetford Township issues permits for and regulates marijuana facilities within the Township as permitted under the Michigan Medical Marijuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, MCL 333.27101 et seq., and the Michigan Regulation & Taxation of Marijuana Act (MRTMA), Public Act 1 of 2018, MCL 333.27951 et seq., and by the Michigan Marijuana Regulatory Agency (MRA), Mich. Admin. Code R 420.1), and intends to exercise authority as a General Township under MCL 41.181 to enforce ordinances under its police power in order to preserve the public health, safety, and welfare. By requiring a permit and compliance with the requirements of this Ordinance, the Township intends to update its Ordinance to reflect legislative changes and to protect the public health, safety, and welfare of Township residents.

**Section 1. Definitions.**

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

1. Terms and definitions contained in the Michigan Medical Marijuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, MCL 333.27101 et seq., the Michigan Regulation and Taxation of Marijuana Act (MRTMA), Public Act 1 of 2018, MCL 333.27954 et seq., as amended, and definitions as defined by the rules promulgated by the Michigan Marijuana Regulatory Agency (MRA), Mich. Admin. Code R 420.1 et seq., as amended, apply to the terms found in this Ordinance, unless the term is otherwise defined in this Ordinance or the context requires a different meaning.
2. "Clerk" means the Thetford Township Clerk or the Township Boards designee.

**Section 2. Permit Required; Eligibility; General Provisions.**

1. The Township hereby authorizes the operation of the following types of Marijuana Facilities (also referred to as Facilities within this Ordinance) as

Principal Uses Permitted Subject to Special Conditions in the CO (Community Office), LC (Local Commercial), GC (General Commercial), and LM (Limited Manufacturing) Zoning Districts:

- a. Growers, Class A (up to 500 plants).
  - b. Growers, Class B (up to 1,000 plants).
  - c. Growers, Class C (up to 1,500 plants under MMFLA and 2,000 under MRTMA).
  - d. Processors.
  - e. Provisioning Centers/Retailers.
  - f. Safety Compliance Facilities.
  - g. Secure Transporters.
  - h. Marijuana Microbusiness.
  - i. Designated Consumption Establishment.
  - j. Temporary Marijuana Event.
  - k. Temporary Marijuana Even Sales.
  - l. Marijuana Educational Research License.
2. No person shall operate a Marijuana Facility at any time or any location within the Township unless issued a current permit under this Ordinance. The Permit requirement in this chapter applies to all Marijuana Facilities whether operated for profit or not for profit.
  3. Marijuana Facilities shall operate only as allowed under this Ordinance. Marijuana Facilities may be co-located on the same property, and facility licensees may apply for more than one permit, of any type as allowed by the State of Michigan. Each permit must be applied for separately and carry additional non-refundable application fees in accordance with this Ordinance.

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 that is approved for a Growers, Class A, Class B, Class C, Processors, Provisioning Centers/Retailers and Safety Compliance Facility License shall pay a non-refundable \$5,000.00 application fee or \$5,000.00 renewal application fee for each license the applicant has under either MRTMA, MRA, or the MMFLA, 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. At the time of application or renewal application, each Applicant that is approved for a Secure Transporters, Marijuana Microbusiness, Designated Consumption Establishment, Temporary Marijuana Event, shall pay a non-refundable \$2,000.00 application fee or \$2,000.00 renewal application fee for each license the applicant has under either MRTMA, MRA, or the MMFLA, 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.
7. 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.
8. A Permit issued under this Ordinance shall be valid for 1 year after the date of issuance. To renew an existing Permit, the Permit Holder shall apply in the same manner as is required to apply for a new Permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date.
9. 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.

10. No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee submits an application to the Township, pays all required fees, and received 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.
11. 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.
12. 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.
13. A Permit Holder may not engage in any other Marijuana 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.
14. A Marijuana Facility in a dwelling is not permitted, and no license will be granted or renewed for a Facility in a dwelling.

### **Section 3. Other Laws and Ordinances.**

In addition to the terms of this Ordinance, all Marijuana Facilities 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 Marijuana Facility;
- b. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Marijuana 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 Marijuana 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 or renewal fee of \$5,000.00 for Growers, Class A, Class B, Class C, Processors, Provisioning Centers/Retailers and Safety Compliance Facility License for each license the applicant has under either MRTMA, MRA, or the MMFLA; or a non-refundable \$2,000.00 application fee or \$2,000.00 renewal application fee for a Secure Transporters, Marijuana Microbusiness, Designated Consumption Establishment, Temporary

Marijuana Event licenses, and all remaining Permits issued by the Township.

- i. Business and Operations Plan, showing in detail the Marijuana 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 Marijuana Facility if applicable.
  - 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 Marijuana 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 Marijuana 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;

- I. 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 Marijuana 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; and
  - n. 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 Marijuana 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, MRTMA, MRA, 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, MMFLA, MRTMA, MRA, or any building, fire, health zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing or consumption of Marijuana.

## **Section 5. Operational Requirements for Marijuana Facilities.**

A Marijuana 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.* Marijuana 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 Marijuana Facility License for the type of Marijuana 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 Marijuana Facility must operate from the Permitted Premises on the Permitted Property. No Marijuana 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 Marijuana. No person under the age of twenty-one (21) 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 Marijuana and cash remaining in the Facility overnight;
  - d. All Marijuana 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;
  - 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; and
  - f. The Township Planning Commission shall approve all fencing.
4. *Zoning Restrictions.* No Marijuana Facility shall be located within an area zoned exclusively for resident use and is not within 1,000 feet of a pre-existing public or private school providing education to kindergartners, or first grade through twelfth grade, unless the Township Board adopts to reduce the distance requirement of 1,000 feet.
5. *Operating Hours.* No Provisioning Center or Designated Consumption Establishment shall operate between the hours of 10:00 p.m. and 8:00 a.m.
6. *Amount of Marijuana.* The amount of Marijuana 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 Marijuana.* The Marijuana offered for sale and distribution must be packaged and labeled in accordance with state law.
8. *Sign Restrictions.* No pictures, photographs, drawings or other depictions of Marijuana or Marijuana Paraphernalia shall appear on the outside of the Permitted Premises or on the Permitted Property. The word Marijuana or

Marijuana and any other words used or intended to convey the presence or availability of Marijuana 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. *Indoor Operation.* All activities of Marijuana Facilities, including without limitation, distribution, growth, cultivation, or the sale of Marijuana, and all other related activity permitted under the Permit Holder's License. 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.
10. *Unpermitted Growing.* A Patient may not grow his or her own Marijuana at a Marijuana Facility.
11. *Distribution.* No person operating a Facility shall provide or otherwise make available Marijuana to any person not legally authorized to receive Marijuana under state law.
12. *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 Marijuana.
13. *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.
14. *Transportation.* A Secure Transporter within the Township under this Ordinance may transport marijuana, and to effectuate its purpose, only:
  - a. By Persons who are otherwise authorized by state law to possess Marijuana 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 Marijuana.
  - d. No vehicle used for the transportation or delivery of

Marijuana under this Ordinance shall have for markings the words "Marijuana", "cannabis" or any similar words; pictures or other renderings of the Marijuana plant; advertisements for Marijuana 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 Marijuana; and

- e. No vehicle may be used for the ongoing or continuous storage of Marijuana, but may only be used incidental to, and in furtherance of, the transportation of Marijuana.
15. *Additional Conditions.* The Township Board may impose such reasonable terms and conditions on a Marijuana 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. Reasonable terms and conditions may include, landscaping, planting trees or natural growth barriers between property lines, or other beautification sought according to the Thetford Township Master Plan.
  16. *Applications to State for Special Licenses.* Persons who apply for a state license as a Marijuana Event Organizer or for a Temporary Marijuana Event, or other Special Licenses as those terms are defined in the MRTMA or by the MRA administrative rules, shall comply with all Township Ordinances applicable to the type of activity for which a state license is sought.

## **Section 6. Permit Revocation.**

1. Any person whose name is on or is required to be on the permit application is convicted of or found responsible for violating any provision of this chapter.
2. A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the Township with any other false or misleading information related to the Facility.
3. Any person whose name is on or is required to be on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application.

4. Marijuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation.
5. The Facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the Township or any other applicable state or local law, rule or regulation.
6. The Township, the County, or any other governmental entity with jurisdiction, has closed the Facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this Ordinance or other applicable state or local laws related to public health and safety.
7. The Facility is determined by the Township to have become a public nuisance.
8. The Facility's state license has been suspended or revoked.

#### **Section 7. Penalties and Consequences for Violation.**

1. 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 and subject to the penalties specified in Ordinance No. 98. Each day a violation continues is a separate municipal civil infraction.
2. 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 this Ordinance except as excluded from responsibility by State law.
3. 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 8. 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 9. Repealer.**

The Township Board hereby repeals Ordinance No. 2018-4-001 in its entirety.

**Section 10. Effective date.**

This Ordinance shall take effect 30 days following publication of this Ordinance.

**Section 11. Adoption.**

At a special meeting of the Board of Trustees of Thetford Township, held on February 15, 2024, adoption of this Ordinance was moved for by Rachel Stanke and supported by John Congdon.

Voting for:

Voting against:

The supervisor declared the ordinance adopted.



Rachel Stanke  
Township Supervisor

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Nicole Moore  
Township Clerk

**CERTIFICATION**

The foregoing is a true copy of Ordinance No. 2024-02-15, which was enacted by the Thetford Township Board of Trustees at a regular meeting held on February 15, 2024.

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Nicole Moore  
Township Clerk

**NOTICE OF ORDINANCE ADOPTION  
THETFORD TOWNSHIP  
COUNTY OF GENESEE, STATE OF MICHIGAN**

**PLEASE TAKE NOTICE** that the Township Board of Thetford Township, Genesee County, Michigan, at a special meeting of February 15, 2024, has repealed Ordinance No. 2018-4-00, and replaced it with Ordinance 2024-02-15. A true copy of the Ordinance is available for public inspection during posted business hours at the Thetford Township Office, 4014 E Vienna Rd, Clio, MI 48420. As authorized by MCL 41.184(3), the following is a summary of the Ordinance:

**The Ordinance updates Thetford Township ordinances for issuing permits for marijuana facilities within the Township as permitted under the Michigan Medical Marijuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, MCL 333.27101 et seq., and the Michigan Regulation & Taxation of Marijuana Act (MRTMA), Public Act 1 of 2018, MCL 333.27951 et seq., and by the Michigan Marijuana Regulatory Agency (MRA), Mich. Admin. Code R 420.1). The Township is granted authority as a General Township under MCL 41.181 to enforce ordinances under its police power in order to preserve the public health, safety, and welfare. By requiring a permit and compliance with the requirements of this Ordinance and other state laws, the Township updated ordinance reflects legislative changes and to protect the public health, safety, and welfare of Township resident**

**Section 1. Definitions.** This section adopts by reference terms as used in the MMFLA, MRTMA, and promulgated by the MRA.

**Section 2. Permit Required; Eligibility; General Provisions.** The Township hereby authorizes the operation of the following types of Marijuana Facilities (also referred to as Facilities within this Ordinance) as Principal Uses Permitted Subject to Special Conditions in the CO (Community Office), LC (Local Commercial), GC (General Commercial), and LM (Limited Manufacturing) Zoning Districts. This section provides requirements for permit eligibility.

**Section 3. Other Laws and Ordinances.** In addition to the terms of this Ordinance, all Marijuana Facilities 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.

**Section 4. Application for Permits.** This section details the application requirements for obtaining a permit to operate a marijuana facility within the Township.



**Section 5. Operational Requirements for Marijuana Facilities.** A Marijuana Facility issued a Permit under this Ordinance and operating In the Township must comply at all times with this section’s operational requirements.

**Section 6. Permit Revocation.** This section of the Ordinance outlines the circumstances a permit hold could have it revoked by the Township.

**Section 7. 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 and subject to the penalties specified in Ordinance No. 98.

**Section 8. 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 9. Repealer.** The Township Board hereby repeals Ordinance No. 2018-4-001 in its entirety.

**Section 10. Effective date.** This Ordinance shall take effect 30 days following publication of this Ordinance.

NOTICE TO THE Genesee County Herald

PLEASE PUBLISH AS A LEGAL CLASSIFIED ON February 21, 2024

Please forward billing and Affidavit of Publication to Nicole Moore, Thetford Township Clerk, 4014 E Vienna Rd, Clio, MI 48420.