

TOWNSHIP OF MENTOR
OSCODA COUNTY, MICHIGAN

RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES AUTHORIZED BY PA 281 OF 2016

RESOLUTION NO. 2017 -2

DATED: November 20th, 2017

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that "[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility"; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations..."; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of Mentor Township, Oscoda County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

1. Mentor Township, Oscoda County, Michigan (Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a "marihuana facility shall not operate in the Township"; and
3. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and
4. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety


compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are repealed; and
6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

This RESOLUTION was offered by Board member Hoffman, supported by Board member Trim at a regular meeting of the Mentor Township Board on November 20th, 2017. The members of the Township Board voted b Roll Call as follows:

Hoffman, Yea
Kerschenheiter, Yea
Trim, Yea
Galbraith, Yea
Wyckoff, Yea

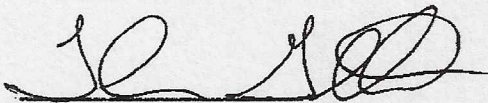
The TOWNSHIP SUPERVISOR Wyckoff declared the RESOLUTION duly adopted.



Thomas Galbraith, Mentor Township Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Mentor Township Board held on November 20th, 2017 ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.



Thomas Galbraith, Clerk

Township of Mentor, Oscoda County, Michigan

Gary Wyckoff, Supervisor
Thomas Galbraith, Clerk
Joan Trim, Treasurer
Robert Hoffman, Trustee
George Kerschenheiter, Trustee

Township Hall
216 E. 10th St.
Mio, MI 48647

MENTOR TOWNSHIP
November 20, 2017
REGULAR MONTHLY MEETING
7:00 p.m.

The regular monthly meeting of the Board of Mentor Township, was called to order by Supervisor Wyckoff, 7:00 p.m. at the Mentor Township Hall. Roll call of Officers: Supervisor Wyckoff, Clerk Galbraith, Treasurer Trim, Trustee Hoffman, Trustee Kerschenheiter Present

Trim/Hoffman: Motion to approve the minutes for the October 16, 2017 Regular Meeting **Approved.**

Financial report – Submitted by Treasurer Trim

Assessor report – Entering new construction – Assessor Monk reported

Zoning report – 49 permits for the year, No complaints, – Zoning Administrator Hoffman reported

Fire report – No Fire Runs – December 13th, 2017 McKinley will host the Firemen's association meeting. Reported on reinstatement of Ron Riedel to the active roster. Fire Chief Scott Lawrence reported

Kerschenheiter/Hoffman : Motion to reinstatement of Ron Riedel to the active roster for the McKinley Fire Department, with a 120 day probation. **Approved.**

Discussion on new fire policy for McKinley Fire Department

Discussion on the cost of New Turn out gear for the Tri Town Fire department

Discussion on TOPLINE electric fixing the streetscape lights on Main street

Discussion on Bids for tree removal and stump removal at Mentor Township Cemetery

Hoffman/ Trim: Motion to adopt Resolution 2017-2 , Resolution Regarding Medical Marihuana Facilities Authorized By PA 128 of 2016. Roll Call Vote Wyckoff Yes, Galbraith Yes, Trim Yes, Hoffman Yes. Kerschenheiter Yes. **Approved.**

BOARD OF REVIEW MEETING December 12th, 2017

Hoffman/Trim: Motion to pay township bills, as presented on vouchers # 15239 -15276 **Approved.**

Trim/ Kerschenheiter: Motion to adjourn at 7:45 p.m. **Approved.**

Thomas Galbraith, Mentor Township Clerk

What's allowed—and what's not—for individuals?

The new law allows an individual who is at least 21 years old to possess, use, consume, purchase, transport or process up to 2.5 ounces of marijuana. Of this, no more than 15 grams can be in the form of marijuana concentrate. A person may also give this amount free to another individual who is at least 21 years old. As long as it's within a person's home, up to 12 marijuana plants at one time may be cultivated for personal use. Up to 10 ounces of marijuana, plus any marijuana produced by the plants, may be kept at home, as long as amounts over 2.5 ounces are stored securely.

Recreational marijuana will be regulated similarly to alcohol—the substance is banned for those under 21, it cannot not be consumed on school property, and operating any type of vehicle while under its influence is illegal. It also cannot be consumed or smoked in a public place, except for areas designated for marijuana use that aren't accessible to people under 21.

Marijuana plants cannot be grown if the plants are visible from a public place without the use of binoculars, aircraft or other optical aids, or are outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area. (Note: This is not a complete list of unlawful activities for individuals involving recreational marijuana).

What about recreational marijuana establishments?

"Recreational marijuana establishments" may be licensed by the state and local units to serve anyone regarding recreational marijuana use. LARA must develop rules to implement the act within a year of the Dec. 6 effective date. No recreational marijuana establishment will be lawfully licensed in a township in the meantime.

Townships may ban or limit any marijuana facilities from their jurisdictions, and also regulate hours, locations and other key aspects of the businesses. **However, unless a township passes an ordinance opting out**, the state will issue a license to qualified marijuana facilities seeking to locate there.

There is no legal advantage or disadvantage to adopting an ordinance now compared to waiting to see how LARA implements the new licensing program. Note that a regulatory ordinance a township adopts to allow, limit or prohibit recreational marijuana establishments will still be subject to potential referendum (petition to place it on a ballot at an election to be approved or disapproved) at any time in the future.

Township boards should work with their township attorney for specific guidance on the pros and cons of different approaches to recreational marijuana establishments. And a township that is considering amending its zoning ordinance regarding recreational marijuana establishments

should work directly with its township attorney for guidance on how and when to do so.

MTA does not advise townships to take a specific approach to recreational marijuana establishments; that is a local authority policy decision that each township board may make based on your community's interests and needs. MTA is not currently providing an ordinance to permit recreational marijuana establishments because LARA has up to a year to adopt rules to spell out the state licensing process and things could change in that time, and we anticipate there will be variations between municipalities. Townships can look at the sample ordinance to "opt in" to medical marijuana facilities, available from MTA, to see a basic model of a permitting ordinance that your township could adapt, working with your township attorney, to permit recreational marijuana facilities.

Additional resources available

To help township boards consider their options under the new law, MTA has developed an informational packet, *Townships & Marijuana Regulation after Proposal 1 of 2018*, available on "Marihuana-Marijuana" webpage the members-only section of www.michigantownships.org (after logging in, access via the "Index of Topics" under the "Answer Center" tab). The packet includes the text of the proposal and MTA's Sample Ordinance to Prohibit Recreational Marihuana Establishments, along with additional information on both recreational and medical marijuana.

In addition, the 2019 Annual Educational Conference will include an educational session on "Medical vs. Recreational Marihuana: Clearing the Air," taught by MTA Legal Counsel David Revore, with the firm Bauckham, Sparks, Thall, Seeber & Kaufman, PC. Check out the Conference registration brochure in this issue of *Township Focus* for additional information. MTA-member officials may also contact MTA's Member Information Services Department at (517) 321-6467 with questions.

We will continue to keep members updated as this issue evolves.

