

**BRIDGEWATER TOWNSHIP  
BOARD OF TRUSTEES MEETING  
THURSDAY, DECEMBER 6, 2018  
7:00 P.M.**

**AGENDA**

- I. CALL TO ORDER / PLEDGE ALLEGIANCE
- II. CITIZEN PARTICIPATION
- III. APPROVAL OF BOARD MEETING MINUTES – NOVEMBER 1, 2018
- IV. REVIEW AND APPROVE AGENDA
- V. NEW BUSINESS
  - A. Financials, Approve Disbursements from November 1, 2018 – November 30, 2018
  - B. Board Appointments
  - C. Village of Manchester WWTP Operations & Maintenance Agreement
  - D. Kennedy Industries Flygt Pump Quote
  - E. Recreational Marijuana Prohibition Ordinance Discussion
- VI. REPORTS & CORRESPONDANCE
  - A. Public Safety Report – Written report from Sheriff’s Department
  - B. Supervisor’s Report
  - C. Assessor’s Report
  - D. Clerk’s Report
  - E. Treasurer’s Report
  - F. Trustees’ Report
  - G. Zoning Administrator’s Report – Written report from Rodney Nanney
  - H. Planning Commission Report
  - I. Farmland Preservation Board Report – No meeting in November
- VII. CITIZEN PARTICIPATION
- VIII. ADJOURNMENT

## Bridgewater Township Board of Trustees Minutes

### I. CALL TO ORDER

1-Nov-18 meeting called to order by Supervisor Fromhart at 7:00 p.m. followed by the Pledge of Allegiance at Bridgewater Township Hall, 10990 Clinton Road, Manchester, MI.

Present: Trustee Faust; Trustee Fromhart; Trustee McQueer; Trustee Oliver, Trustee Wharam

Absent: None

Citizen attendance: 3

### II. CITIZEN PARTICIPATION

- None

### III. APPROVAL OF MINUTES

- Motion to approve the 4-Oct-18 meeting minutes as presented – Mr. Oliver; support – Mr. Faust; vote – unanimous

### IV. REVIEW AND APPROVE AGENDA

- Motion to approve the agenda as – Mr. Faust; support – Mr. Oliver; vote – unanimous

### V. OLD BUSINESS

#### A. Junk Ordinance Enforcement – Approve Contractor for Property Clean-Up at 12460 E. Michigan Ave. (Samuels)

- Ms. Fromhart recommended that the zoning administrator report be withdrawn
- The board supported that Mr. Nanney's report what was happening at the property
- Ms. Fromhart wants to say that she was not there, contrary to what Dr. Samuels said
- Mr. Nanney commented on the current state of the property as of today; it is about 85% cleaned up
- Mr. Nanney said that if Dr. Samuels continues working, he could finish in a week
- The former contents are being hauled off-site
- Motion to approve:
  - B&K Junk Removal for up to \$1800.00,
  - Not to start before 7 days,
  - Mr. Nanney to be present when the clean-up is performed,
  - Dr. Samuels to be billed for all charges to date,Ms. McQueer; support – Mr. Oliver; vote – unanimous

### VI. NEW BUSINESS

#### A. Financials & Approve Disbursements

- Motion to approve disbursements of \$20,126.38 for general operations and \$18,032.50 for sewer operations; for a total expenditure of \$38,158.88 for the month of October - Ms. Fromhart; support - Mr. Oliver; vote - unanimous

#### B. PA 116 Applications – Scott & Katherine Finkbeiner

- Motion to approve PA 116 applications 2018-2, 2018-3 & 2018-4 for Mr. & Mrs. Finkbeiner of 9650 Willow Rd. – Ms. McQueer; support – Mr. Oliver; vote - unanimous

#### C. WWTP Generator Radiator Replacement

- Motion to accept bid of \$2974.73 to replace the back-up generator radiator at the sewer plant – Mr. Oliver; support – Mr. Faust; vote - unanimous

## Bridgewater Township Board of Trustees Minutes

### D. Allocated Operation Millage Discussion

- There was discussion of what bring up the operating millage to 1 mill. This would generate about \$30,000.

## VII. REPORTS AND CORRESPONDENCE

### A. Public Safety Report

- Report received and is on record

### B. Supervisor's Report

- Bridgewater Commons easement
- RRWS meeting, new signs over River Raisin
- WCRC re: Bartlett Rd.; will follow up with Gerken
- Met re: Bridgewater Tile
- Called in repair of furnace at sewer plant
- Aeration pump failed at sewer, will need spare ~\$10,000
- Working on news letter

### C. Assessor's Report

- A written report to the board and it is on record

### D. Clerk's Report

- Small orders from Haviland are a new occurrence
- Getting ready for elections
- Had public accuracy test on Tuesday 30-Oct-18; all went well

### E. Treasurer's Report

- Ms. McQueer submitted a written report to the board and it is on record
- Receive another special assessment pay-off

### F. Trustees' Report

- Trustee Faust:
  - 2 grinder tube in at Finkbeiner
  - Coach in river of Allen Rd south of bridge
- Trustee Oliver:
  - Western Washtenaw Building Authority report
  - Hogan Rd. does not require DEQ permit

### G. Zoning Administrator's Report

- Mr. Nanney submitted a written report to the board and it is on record

### H. Planning Commission

- Minutes were received and are on record

### I. Farmland Preservation Board Report

- No quorum

## Bridgewater Township Board of Trustees Minutes

### VIII. CITIZEN PARTICIPATION

- None

### IX. ADJOURNMENT

- Ms. Fromhart adjourned the meeting at 8:52 p.m.

DRAFT

## Bridgewater Township Board of Trustees Minutes

### I. CALL TO ORDER

4-Oct-18 meeting called to order by Supervisor Fromhart at 7:00 p.m. followed by the Pledge of Allegiance at Bridgewater Township Hall, 10990 Clinton Road, Manchester, MI.

Present: Trustee Faust; Trustee Fromhart; Trustee McQueer; Trustee Oliver, Trustee Wharam

Absent: None

Citizen attendance: 9

### II. CITIZEN PARTICIPATION

- 2 people commented on last month's clerk's report re: election inspectors
- Harry Cross wants permission to pursue wounded animals that went onto the township property
- Shannon Beeman introduced herself as she is running for District 3 Washtenaw County Board of Commissioners

### III. APPROVAL OF MINUTES

- Motion to approve the 6-Sep-18 meeting minutes as amended – Ms. Fromhart; support – Mr. Faust; vote – unanimous

### IV. REVIEW AND APPROVE AGENDA

- Motion to approve the agenda as presented – Ms. McQueer; support – Mr. Oliver; vote – unanimous

### V. OLD BUSINESS

#### A. River Raisin Watershed Council Delegate Appointment

- Motion to appoint Ms. Fromhart as delegate - Ms. McQueer; support – Mr. Oliver; vote – unanimous

### VI. NEW BUSINESS

#### A. Financials & Approve Disbursements

- Disbursements from 1-Sep-18 through 30-Sep-18 of \$51,870.44 for general operations and \$6,631.94 for sewer operations; for a total of \$58,502.38
- Motion to approve disbursements for a total of \$58,502.38 - Ms. Fromhart; support - Mr. Oliver; vote - unanimous

#### B. Land Conservation Consulting Services Proposal – Barry Lonik - Treemore Ecology & Land Services, Inc

- Dan McQueer gave a short description of the proposal to hire Land Conservation Consulting Services Proposal to assist Bridgewater residents look into conservation easements
- Estimated cost: \$3000.00
- Motion to approve up to \$3000.00 for the Treemore Ecology & Land Services, Inc proposal – Ms. Fromhart; support – Ms. McQueer; vote - unanimous

#### C. ZBA Appointment

- Motion to accept Will Riley's resignation from the ZBA – Mr. Oliver; support – Mr. Faust; vote - unanimous
- Motion to approve Dan McQueer to fill a position on the ZBA through the end of the year – Ms. Fromhart; support – Mr. Faust; vote - unanimous

### VII. REPORTS AND CORRESPONDENCE

#### A. Public Safety Report

- Report received and is on record

## Bridgewater Township Board of Trustees Minutes

### B. Supervisor's Report

- Response to state on deficiencies, no response as yet
- Dr. Samuels response deadline 10-Oct-18
- Hogan Rd culvert
- Gerkin annual report
- Contacted WCRC re: Bartlett Rd
- Bridgewater tile update
- Soil erosion update
- CCI excavating insurance certificate
- Have design for Kulenkamp headstone
- ACE Wireless Internet
- Barking dog complaint
- Motion to allow the supervisor to send a letter to allow hunters to pursue wounded animals on township property – Ms. McQueer; support Mr. Oliver; vote - unanimous

### C. Assessor's Report

- A written report to the board and it is on record

### D. Clerk's Report

- Should look into ordering larger quantities from Haviland since they charge us for small orders
- Found out that IT Right is not posting everything I send them. I will check into this.
- Completed the MML payroll audit on 19-Oct-18. I need sole proprietor forms for RN
- Is the hall a gun free zone? No

### E. Treasurer's Report

- Ms. McQueer submitted a written report to the board and it is on record
- 4 people claimed they did not receive their tax bills
- Only 58 delinquent tax bills
- 3 more years for special assessment fees
- Motion to accept that property owners of vacant land that started paying the special assessment fee in 2004 includes sewer tap fees, grinder pump. The owner will pay for the cost of extending the sewer pipe – Ms. Fromhart; support – Ms. McQueer; vote - unanimous

### F. Trustees' Report

- Trustee Faust:
  - Got 3 grinders and pump kits
  - Took 2 tubs to Finkbeiner
- Trustee Oliver:
  - None

### G. Zoning Administrator's Report

- Mr. Nanney submitted a written report to the board and it is on record

### H. Planning Commission

## **Bridgewater Township Board of Trustees Minutes**

- Minutes were received and are on record

### **I. Farmland Preservation Board Report**

- Minutes were received and are on record

### **VIII. CITIZEN PARTICIPATION**

- None

### **IX. ADJOURNMENT**

- Ms. Fromhart adjourned the meeting at 8:58 p.m.

APPROVED

Type	Date	Check #	Name	Split	Amount
Nov 18					
Bill	11/01/2018	EFT	Cardmember Service	2050 · Comerica - Clerk/Treasurer	584.69
Bill	11/28/2018	9644	Clayton and Mary Rider Assessing Service	-SPLIT-	1,950.00
Bill	11/08/2018	EFT	Consumers Energy	5265728 · Maintenance & Utilities	18.62
Bill	11/28/2018	EFT	Detroit Edison Company - Hall	5265728 · Maintenance & Utilities	41.56
Bill	11/26/2018	EFT	Detroit Edison Company - Street Lights	5440852 · Street lighting	302.30
Bill	11/26/2018	9645	Donald N. Pennington	-SPLIT-	1,172.50
Bill	11/13/2018	EFT	Frontier	5265728 · Maintenance & Utilities	100.25
Bill	11/25/2018	9646	Jane Carroll	2257 · Mazur Escrow	503.17
Bill	11/10/2018	9647	Jon Way	-SPLIT-	255.00
Bill	11/09/2018	9648	Lucas Law, PC	-SPLIT-	355.00
Bill	10/19/2018	9649	Michigan Municipal League	5173912 · Insurance & Bonds	14.00
Bill	11/30/2018	EFT	Paychex	-SPLIT-	7,035.53
Bill	11/30/2018	EFT	Paychex_fees	5215727 · Clerk supplies & expense	157.21
Bill	11/15/2018	9650	Reau & Associates, P.C.	5101727 · Township supplies & expenses	90.00
Bill	11/14/2018	9651	Susan Ahrens	5191727 · Election expense	8.40
Bill	09/19/2018	9652	The Sun Times	5173900 · Printing & publishing	60.00
Bill	11/09/2018	9653	Tom Wharam	-SPLIT-	114.85
Bill	11/16/2018	9654	Washtenaw County Road Commission	5440846 · Road Improvements	6,468.66
Nov 18					<u><u>19,231.74</u></u>

Clerk: \_\_\_\_\_

Treasurer: \_\_\_\_\_



Dec 1, 2018  
 Accrual Basis

## Bridgewater Township Profit & Loss Budget vs. Actual April 2018 through March 2019

	Apr '18 - Mar 19	Budget	\$ Over Budget
<b>Income</b>			
Clean-up Day Grant	2,399	3,000	-601
Clean Up Donation	63	63	0
4402 · Property tax - operation	0	74,100	-74,100
4410 · Property Tax Adjustments	0	11	-11
4447 · Tax administration fee	11,094	29,300	-18,206
4448 · Tax collection fees	150	3,500	-3,350
4460 · Township permits	50	500	-450
4465 · Land division fees	875	500	375
4574 · Revenue sharing	67,656	137,216	-69,560
4600 · Collection Fee-Sewer Fund	0	1,400	-1,400
4601 · Fire charge collection	9,430	500	8,930
4665 · Interest Income	81	1,800	-1,719
4672 · Other Income	0	1,000	-1,000
4675 · Metro Auth.-restricted to roads	3,208	3,300	-92
<b>Total Income</b>	<b>95,007</b>	<b>256,190</b>	<b>-161,183</b>
<b>Gross Profit</b>	<b>95,007</b>	<b>256,190</b>	<b>-161,183</b>
<b>Expense</b>			
<b>5101000 · Township Board</b>			
5101703 · Trustee salary	3,200	4,800	-1,600
5101727 · Township supplies & expenses	502	600	-98
5101770 · Conferences & Training	0	500	-500
<b>Total 5101000 · Township Board</b>	<b>3,702</b>	<b>5,900</b>	<b>-2,198</b>
<b>5171000 · Supervisor</b>			
5171703 · Supervisor Salary	10,405	15,607	-5,202
5171727 · Supervisor Expense	90	1,000	-910
<b>5209000 · Assessor</b>			
5209705 · Board of Review expenses	20	1,155	-1,135
5209805 · Assessor Wages	13,900	20,700	-6,800
5209810 · Assessor Expense	1,850	2,800	-950
<b>Total 5209000 · Assessor</b>	<b>15,771</b>	<b>24,655</b>	<b>-8,884</b>
<b>Total 5171000 · Supervisor</b>	<b>26,266</b>	<b>41,262</b>	<b>-14,996</b>
<b>5173000 · Other General Government</b>			
<b>Uncollectable Debt</b>			
5173715 · Social Security	7,645		
5173801 · Attorney & Consulting Expenses	3,215	5,000	-1,785
5173802 · Audit fees	3,666	5,000	-1,334
5173802 · Audit fees	3,598	3,300	298
5173811 · Membership fees & dues	1,820	2,000	-180
5173890 · Newsletter (non-recyc)	0	100	-100
5173895 · Website Administrator	500	500	0
5173912 · Insurance & Bonds	4,786	5,500	-714
<b>Total 5173000 · Other General Government</b>	<b>25,229</b>	<b>21,400</b>	<b>3,829</b>
<b>5215700 · Clerk</b>			
5173900 · Printing & publishing	214	800	-586
5174810 · Deputy Clerk	869	1,000	-131
5191727 · Election expense	3,361	3,500	-139
5215703 · Clerk salary	10,909	16,214	-5,305
5215727 · Clerk supplies & expense	598	3,200	-2,602
<b>Total 5215700 · Clerk</b>	<b>15,952</b>	<b>24,714</b>	<b>-8,762</b>
<b>5253700 · Treasurer</b>			
5253701 · Tax Collection Expense	990	2,500	-1,510
5253703 · Treasurer salary	11,794	17,615	-5,821
5253704 · Deputy Treasurer Wages	704	1,000	-296
5253727 · Treasurer supplies & expenses	767	2,000	-1,233
<b>Total 5253700 · Treasurer</b>	<b>14,254</b>	<b>23,115</b>	<b>-8,861</b>

Dec 1, 2018  
 Accrual Basis

## Bridgewater Township Profit & Loss Budget vs. Actual April 2018 through March 2019

	Apr '18 - Mar 19	Budget	\$ Over Budget
<b>5265000 · Building &amp; Grounds</b>			
5265728 · Maintenance & Utilities	3,416	6,000	-2,584
5265925 · Cemetery care	2,227	2,500	-273
5265980 · Building improvement & equipmen	1,043	2,000	-957
<b>Total 5265000 · Building &amp; Grounds</b>	<b>6,686</b>	<b>10,500</b>	<b>-3,814</b>
<b>5301800 · Public Safety</b>			
5339727 · Fire protection billing expense	39,947	65,000	-25,053
<b>Total 5301800 · Public Safety</b>	<b>39,947</b>	<b>65,000</b>	<b>-25,053</b>
<b>5400700 · Planning &amp; zoning</b>			
5400701 · Planning			
5400727 · Planning comm. wage & expense	2,988	4,200	-1,212
5400803 · Planning consultant - on-going	4,229	9,000	-4,771
5400806 · Farmland PB Consultant	0	500	-500
5411810 · Conferences & Training	370	500	-130
<b>Total 5400701 · Planning</b>	<b>7,587</b>	<b>14,200</b>	<b>-6,613</b>
5410726 · Zoning			
5410704 · Land Division Processing Fees	1,000	1,500	-500
5410727 · Zoning ad.wage & expense	5,272	7,500	-2,228
5411727 · Zon Bd of Appeals Expense	498	325	173
<b>Total 5410726 · Zoning</b>	<b>6,770</b>	<b>9,325</b>	<b>-2,555</b>
<b>Total 5400700 · Planning &amp; zoning</b>	<b>14,357</b>	<b>23,525</b>	<b>-9,168</b>
<b>5440000 · Public works</b>			
5440846 · Road Improvements	12,543	30,000	-17,457
5440847 · Drains at large	0	4,500	-4,500
5440849 · Clean-up Day	2,399	3,200	-801
5440852 · Street lighting	2,418	3,500	-1,082
<b>Total 5440000 · Public works</b>	<b>17,360</b>	<b>41,200</b>	<b>-23,840</b>
66900 · Reconciliation Discrepancies	0		
<b>Total Expense</b>	<b>163,753</b>	<b>256,616</b>	<b>-92,863</b>
<b>Net Income</b>	<b>-68,746</b>	<b>-426</b>	<b>-68,320</b>

## Bridgewater Township Sewer Operation Monthly Expenses

		October 19 through November 30, 2018				
Type	Date	Check #	Name	Split	Amount	
<b>Oct 26 - Nov 30, 18</b>						
Bill	10/25/2018	1333	Cummins Bridgeway, LLC	Generator Maintenance Contract	129.10	Clerk: _____
Bill	10/25/2018	EFT	DTE Energy	Electricity	1,412.76	
Bill	11/12/2018	1334	Faust Sand & Gravel, Inc.	-SPLIT-	1,952.81	Treasurer: _____
Bill	11/09/2018	EFT	Frontier	Phone Service	42.30	
Bill	11/10/2018	1335	Jon Way	Building & Grounds Maintenance	110.00	
Bill	11/12/2018	1336	Kennedy Industries	-SPLIT-	569.00	
Bill	11/19/2018	1337	Michigan AgriBusiness Solutions	Treatment Plant	2,719.20	
Bill	10/31/2018	1338	Village of Manchester	Plant Operator	2,600.00	
					<b><u>9,535.17</u></b>	
<b>Oct 26 - Nov 30, 18</b>						

# Bridgewater Township Sewer Operation Profit & Loss

Nov 30, 2018  
Accrual Basis

April 2018 through March 2019

	Bond - Sewer	Operation - Sewer	TOTAL
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Customer Finance Charge	0.00	-88.38	-88.38
Interest Income Master Account			
Interest Income Checking	0.00	42.74	42.74
<b>Total Interest Income Master Account</b>	0.00	42.74	42.74
Miscellaneous Income	0.00	190.32	190.32
Operation Maintenance Income	0.00	68,000.00	68,000.00
Special Assessment Payoff	2,587.15	0.00	2,587.15
Special Assessment Revenue	6,944.70	0.00	6,944.70
<b>Total Income</b>	9,531.85	68,144.68	77,676.53
<b>Gross Profit</b>	9,531.85	68,144.68	77,676.53
<b>Expense</b>			
<b>Collection System</b>			
<b>Billing</b>			
Billing Clerk	0.00	800.00	800.00
<b>Total Billing</b>	0.00	800.00	800.00
Collection System Equip Repairs	0.00	1,255.00	1,255.00
Grinder Pump repairs	0.00	1,832.81	1,832.81
Miss Dig Locator Service	0.00	2,399.45	2,399.45
New Grinders	0.00	12,048.00	12,048.00
<b>Total Collection System</b>	0.00	18,335.26	18,335.26
Insurance	0.00	1,134.84	1,134.84
<b>Legal &amp; Professional</b>			
Audit	0.00	1,550.00	1,550.00
<b>Total Legal &amp; Professional</b>	0.00	1,550.00	1,550.00
Loan Payment	1,410.00	0.00	1,410.00
New Equipment	0.00	569.00	569.00
<b>Treatment Plant</b>			
Building & Grounds Maintenance	0.00	1,428.13	1,428.13
Chemicals	0.00	2,442.70	2,442.70
Electricity	0.00	11,532.59	11,532.59
Generator Maintenance Contract	0.00	129.10	129.10
Phone Service	0.00	337.57	337.57
Plant Operator	0.00	20,815.41	20,815.41
Supplies	0.00	119.94	119.94
Treatment Plant - Other	0.00	2,959.20	2,959.20
<b>Total Treatment Plant</b>	0.00	39,764.64	39,764.64
<b>Total Expense</b>	1,410.00	61,353.74	62,763.74
<b>Net Ordinary Income</b>	8,121.85	6,790.94	14,912.79
<b>Other Income/Expense</b>			
<b>Other Expense</b>			
Washtenaw Cty Debt Svc			
Interest	1,762.50	0.00	1,762.50
Principal	35,250.00	0.00	35,250.00
<b>Total Washtenaw Cty Debt Svc</b>	37,012.50	0.00	37,012.50
<b>Total Other Expense</b>	37,012.50	0.00	37,012.50
<b>Net Other Income</b>	-37,012.50	0.00	-37,012.50
<b>Net Income</b>	<b>-28,890.65</b>	<b>6,790.94</b>	<b>-22,099.71</b>

## MEMORANDUM

TO: BRIDGEWATER TOWNSHIP BOARD OF TRUSTEES  
FROM: LAURIE FROMHART, TOWNSHIP SUPERVISOR  
RE: BOARD APPOINTMENTS  
DATE: DECEMBER 6, 2018

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Supervisor recommends the reappointment of Judy Klager, Cal Messing, and Steve Wahl to the Board of Review for 2-year terms ending December 31, 2020.

Supervisor recommends the reappointment of Dan McQueer, Grant Howard and Remy Long to the Farmland Preservation Board for 2-year terms ending December 31, 2020

Supervisor nominates the reappointment of Cal Messing to the Planning Commission for a 3-year term ending December 31, 2021.

Supervisor nominates the appointment of Greg Lanford to the Planning Commission for a 3-year term ending December 21, 2021.

Supervisor recommends the appointment of Todd Brawn to the Zoning Board of Appeals for a 3-year term ending December 31, 2021.

Supervisor recommends the reappointment of Gerianna Cooley-Howard to the Manchester District Library Board for 4-year term ending December 31, 2022. (Please note Gerianna is willing to continue to serve until we can find a replacement.)

**AGREEMENT  
BETWEEN  
BRIDGEWATER TOWNSHIP  
AND  
THE VILLAGE OF MANCHESTER  
FOR  
OPERATIONS AND MAINTENANCE**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between Bridgewater Township, whose address is 10990 Clinton Road, Manchester, Michigan 48158, (hereinafter referred to as the "TOWNSHIP") and the Village of Manchester, a Michigan governmental entity (hereinafter referred to as the "VILLAGE").

**WITNESSETH:**

**WHEREAS**, the TOWNSHIP owns the wastewater treatment facility is responsible for the operation, maintenance and administration of the wastewater treatment facility; and

**WHEREAS**, the TOWNSHIP has determined that it is beneficial to contract for the operation and maintenance of its facilities; and

**WHEREAS**, the VILLAGE desires to provide such services to the TOWNSHIP and has the necessary skill and experience to provide such services.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual covenants and undertakings hereinafter set forth, it is hereby agreed as follows:

1. Definitions. For the purposes of this Agreement, the following terms shall be given the definitions assigned herein:
  - 1.1 Agreement. The "Agreement" shall include this Agreement, any renewals thereof, and any amendments thereto, for the facilities as they exist on the date of this Agreement, and the facilities as they exist on the date of any amendment or renewal.
  - 1.2 Equipment. The "Equipment" shall include all mechanical, electrical, hydraulic, and pumping equipment, computer controls, etc., owned by the TOWNSHIP on the date of this Agreement or on the date of an amendment or renewal for the purposes of operating the facilities.
  - 1.3 Discharge Permit. The "Discharge Permit" shall mean the permit issued by the Michigan Department of Environmental Quality, which authorizes the discharge

of wastewater from the facilities into an unnamed tributary to the Saline River under Permit No. MI0057118, effective December 1, 2018.

- 1.4 Facilities. The "Facilities" shall include the wastewater treatment facilities system located at 8820 Kaiser Road, including pumps, valves, and related structures.
- 1.5 System. The "System" shall include the Wastewater Treatment Plant located at 8820 Kaiser Road.
- 1.6 Work. The "Work" shall be all the services to be provided by the VILLAGE under this Agreement as defined in Section 2.

2. Scope of Work. The VILLAGE shall:

- 2.1 Within the design capacities and capabilities of the facilities, operate the facilities to meet the requirements of the Discharge Permit.
- 2.2 Operate the facilities to meet the requirements of the Michigan Department of Environmental Quality.
- 2.3 Maintain the facilities and equipment in accordance with manufacturers' recommendations.
- 2.4 Provide monitoring, sampling, testing, and analysis required for process control of the facilities, and to meet the requirements of the Discharge Permit and Michigan Department of Environmental Quality.
- 2.5 Prepare and submit the following reports:
  - 2.5.1 Operating reports as required by the Discharge Permit and Michigan Department of Environmental Quality.
- 2.6 Provide staffing of the facilities to meet the requirements of the Discharge Permit.
- 2.7 Provide preventive maintenance required to maintain active warranties covered by this Agreement.
- 2.8 Provide a 24 hour-per-day, 7 day-per-week emergency telephone number
- 2.9 Provide emergency response to any emergency that threatens personal injury or property damage to the facilities. Labor provided as such response shall be considered Additional Work.
- 2.10 Provide a suitable vehicle for VILLAGE use at the Facilities, as needed.

3. TOWNSHIP's Responsibility. The TOWNSHIP shall:

- 3.1 Pay for all capital expenditures.
  - 3.2 Maintain all guarantees, easements, and licenses granted to the TOWNSHIP.
  - 3.3 Pay for all electrical, telephone, generator fuel, and heating gas costs for the operation and maintenance of the Facilities.
  - 3.4 Maintain property insurance on the premises the entire time this Agreement is in force.
  - 3.5 Pay all residuals disposal costs, including biosolids disposal and garbage removal.
  - 3.6 Provide grounds maintenance (grass mowing) for the Facilities.
  - 3.7 Pay for all maintenance and repair costs for the Facilities, including the costs of all maintenance parts and supplies.
  - 3.8 Pay for all chemicals required to operate the Facilities.
4. Compensation. The VILLAGE shall be paid as set forth herein.
- 4.1 For Scope of Work - Section 2. The TOWNSHIP shall pay the VILLAGE \$3,000 per month for the first twelve (12) months of this Agreement for the expanded total phosphorus monitoring requirement of the Discharge Permit. If the total phosphorus monitoring frequency is reduced from three times weekly to weekly, the Compensation will be reduced to \$2,800 per month. Compensation will be adjusted yearly based on the Inflation Rate Multiplier published by the State of Michigan Department of Treasury in October of the previous year by using the capped value formula and "Headlee" MRF formula. Any substantial change in the Scope of Work or in service area of the facility during the term of this Agreement shall be cause for negotiation of compensation.
  - 4.2 For Additional Work. The TOWNSHIP shall pay the VILLAGE for additional work, such as snow plowing, emergency call-in time, or any requested service not specifically called for in the Scope of Work, at a rate of 2.1 times direct labor cost. This multiplier shall be subject to review and change by the VILLAGE yearly.
  - 4.3 Record-keeping. The VILLAGE shall maintain accurate and complete time records for each employee and/or subcontractor performing the Work.
  - 4.4 Billing. TOWNSHIP shall pay the VILLAGE the amount set forth in Section 4.1, due and payable on the first of each month that services are provided.



5. Term and Termination. The term of this Agreement shall be five (5) years. The Agreement commences midnight of \_\_\_\_\_, 2018.
  - 5.1 Termination With or Without Cause. This Agreement may be terminated by either party for any reason by giving ninety (90) days written notice to the other party.
  
6. Notification Procedure. The TOWNSHIP shall designate, in writing, certain individual(s) who shall have the authority to notify the VILLAGE to perform services. The VILLAGE shall provide the TOWNSHIP with the names and telephone numbers of at least two (2) individuals to be contacted in the event of emergencies.
  
7. Performance Standard. The VILLAGE shall perform the services in accordance with the standards of the Michigan Department of Environmental Quality in effect as of the date of this Agreement.
  
8. LIABILITY AND HOLD HARMLESS PROVISION. The VILLAGE shall be responsible for providing insurance liability coverage for services to be provided under this Agreement. The TOWNSHIP shall be named as additional insured in connection with the Services provided by the VILLAGE under this Agreement. The TOWNSHIP shall reimburse the VILLAGE for any costs incurred by the VILLAGE to implement this paragraph. To the fullest extent permitted by law, the TOWNSHIP agrees to hold the VILLAGE harmless from any and all claims, suits, demands, judgments, or causes of action made against the VILLAGE, their elected or appointed officials, employees, agents, or volunteers for the actions of the VILLAGE's elected or appointed officials, employees, agents or volunteers arising from or in connection with the performance of this Agreement. To the fullest extent permitted by law, the VILLAGE agrees to hold the TOWNSHIP harmless from any and all claims, suits, demands, judgments or causes of action made against the TOWNSHIP, its elected or appointed officials, employees, agents, or volunteers, for the actions of the TOWNSHIP's elected or appointed officials, employees, agents or volunteers arising from or in connection with performance of this agreement.
  - 8.1 Environmental Exclusion. The TOWNSHIP agrees to hold the VILLAGE harmless from and against any and all claims arising out of the presence, discharge, release, or escape of any kind of contaminants, excepting only such liability as may arise out of the sole negligence of the VILLAGE in the performance of services under this Agreement.
  
9. Subcontracting. The VILLAGE may utilize subcontractors to perform any of the Work but such subcontractors shall be subject to the prior approval of the TOWNSHIP. The VILLAGE shall be responsible for the performance of any subcontractor performing portions of the Work. All subcontractors will procure and maintain insurance as required under the Insurance Section of this Agreement.

10. TOWNSHIP's Representations. The TOWNSHIP represents that it has the requisite authority from its governing body acting by appropriate resolution to enter into this Agreement and to be bound by its terms.
  
11. Non-Assignment. This Agreement may not be assigned by the VILLAGE without the written consent of the TOWNSHIP.
  
12. Impossibility of Performance. Performance of this Agreement shall be excused if it becomes substantially impossible to perform. Such circumstances shall include destruction of all or a major portion of the Facilities, power loss, damage by earthquake, lightning, or high winds.
  
13. This Agreement (consisting of pages 1 to 5, inclusive) constitutes the entire Agreement between the TOWNSHIP and the VILLAGE and supersedes all prior written and oral understandings. This Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument.

**IN WITNESS WHEREOF**, the parties have set their hands and seals on the day and year first set forth above.

WITNESS:

**TOWNSHIP: Bridgewater Township**  
 10990 Clinton Road  
 Manchester, Michigan 48158

\_\_\_\_\_

By: \_\_\_\_\_  
 Laurie Fromhardt, Township Supervisor

WITNESS:

**VILLAGE: Village of Manchester**  
 912 City Road  
 Manchester, MI 48158

\_\_\_\_\_

By: \_\_\_\_\_  
 Pat Vaillencourt, Village President



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Inbox 1

Bridgewater WWTP Pump 3 Yahoo/Inbox

Unread

**Dan Geyer** Hi Laurie, FYI, we had one of the 10 HP aeratic Oct 30 at 11:33 AM

Starred

**Laurie Fromhart** What is the average life span of these pur Nov 1 at 12:16 PM

Drafts

Sent

**Dan Geyer** <geyerd@vil-manchester.org> Nov 1 at 1:06 PM  
To: 'Laurie Fromhart'

Archive

This was one of the old style pumps (ABS brand) that failed. It was in for 4 years – one of the longest run times we have had with that brand of pump. I am very hopeful that the new brand of pump (Flygt) we are installing will have a significantly longer life.

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Broadband

Cemetery

CEO



QUOTATION		
DATE	NUMBER	PAGE
11/1/2018	0019166	1 of 1

BRI415  
 BRIDGEWATER TOWNSHIP  
 10990 CLINTON ROAD  
 MANCHESTER, MI 48158

Accepted By: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 PO#: \_\_\_\_\_

ATTENTION:  
 DAN GEYER                      734-428-7171                      geyerd@vil-manchester.org

WE ARE PLEASED TO PROPOSE THE FOLLOWING FOR YOUR CONSIDERATION:

CUSTOMER REF / PO#	JOB TITLE	SLP	SHIPPING TYPE
QUOTE	BRIDGEWATER WWTP, FLYGT PUMP	REA/CKW	FREIGHT ALLOWED

QTY	DESCRIPTION
-----	-------------

(1) FLYGT EXPLOSION PROOF, SUBMERSIBLE SEWAGE PUMP, MODEL NS3127.095-438 WITH HIGH CHROME IMPELLER AND INSERT RING. RATED FOR 10 HP, 3 PHASE, 460 VOLT WITH 4" ANSI FLANGE DISCHARGE, PUMP STAND, 50 FT. MOTOR AND SENSOR CABLE. PUMP EQUIPPED WITH SEAL FAIL/HIGH TEMP CABLE.

(1) MINI CAS SEAL FAIL/HI TEMP RELAY - TO BE MOUNTED IN EXISTING PANEL BY OTHERS.

NET PRICE, INCLUDES FREIGHT BUT NO TAX: --- \$10,052.00 TOTAL  
 \*\*\*\*\*

DELIVERY: 7-10 DAYS AFTER RECEIPT OF ORDER (SUBJECT TO PRIOR SALE)

KENNEDY CURRENTLY HAS (1) PUMP IN STOCK. FACTORY HAS THE STAND IN STOCK AT THE WAREHOUSE IN MISSISSIPPI.

WE DO NOT INCLUDE: INSTALLATION, CONCRETE, SITE WORK, ANCHOR BOLTS, PIPING, VALVES, CONDUIT, WIRING, JUCTION BOXES, PA DLOCKS, KEYS OR START-UP UNLESS LISTED ABOVE.

WE APPRECIATE THIS OPPORTUNITY TO QUOTE AND LOOK FORWARD TO BEING OF FUTURE SERVICE.

SINCERELY,

RICK ALVAREZ / CINDY WOODARD  
 KENNEDY INDUSTRIES

<p>This quote is subject to and incorporates by reference Kennedy Industries, Inc.'s ("Kennedy") Terms &amp; Conditions and Customer Warranty available at <a href="http://www.kennedyind.com">www.kennedyind.com</a> which will be provided by email upon written request. Kennedy reserves the right to change the Terms &amp; Conditions and Customer Warranty for future orders. By accepting this quote and/or issuing a purchase order relative to this quote, buyer expressly agrees to the provisions set forth in the Terms &amp; Conditions and Customer Warranty posted on Kennedy's website.</p> <p><b>CREDIT CARD PAYMENTS ARE SUBJECT TO AN ADDITIONAL 3% CHARGE</b>  <b>NO TAXES OF ANY KIND ARE INCLUDED IN THIS PROPOSAL</b></p>	<p><b>TOTAL:                      \$10,052.00</b></p>
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Broadband

Cemetery

CEO

MTA Information on New Recreational Marihuana Law Yahoo/Inbox

Catherine Mullhaupt <catherine@michigantownships.org> Nov 29 at 11:2  
To: bridgewaterwpsupervisor@yahoo.com



To: Laurie Fromhart, Supervisor, Bridgewater Twp., Washtenaw Co.

Laurie:

*This email is being sent by the Michigan Townships Association as a courtesy benefit to you as an MTA-member township official.*

The recent approval of the Recreational Marihuana Ballot Proposal 1 has raised many questions about how it will be implemented and what townships can do. To help township boards consider their options under the new law, MTA has developed an informational packet, **Townships & Marihuana Regulation after Proposal 1 of 2018**, that is available on the [MTA Members Marihuana-Marijuana webpage](#) (login required), along with text of the proposal and MTA's Sample Ordinance to Prohibit Recreational Marihuana Establishments.

The new **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, will take effect on December 6, 2018. The parts of the new law that allow **individuals** to use marihuana for recreational purposes will take effect at that time. But the parts of the new law that allow for **recreational marihuana establishments** to be licensed by the state and permitted by municipalities will not—the Michigan Department of Licensing and Regulatory Affairs (LARA) has up to a year from that date to promulgate rules and begin issuing licenses. No recreational marihuana establishment will be lawfully licensed in a township in the meantime.

There is NO requirement for a township to adopt a non-zoning, regulatory ordinance regarding recreational marihuana establishments before December 6, 2018. 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 marihuana 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 marihuana establishments. And a township that is considering amending its zoning ordinance regarding recreational marihuana establishments should work directly with its township attorney



# Townships & Marihuana Regulation after Proposal 1 of 2018

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*(Click on item to go directly to that page)*

# Michigan Marihuana Laws Q&A

By Catherine Mullhaupt, MTA Staff Attorney

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*This packet is not intended as a legal opinion, and a township should consult with its attorney before taking any steps to adopt an ordinance, resolution or policy under these statutes, and for specific legal guidance on how the Acts interact with the individual township's other ordinances, including a zoning ordinance.*

## Q. Don't you know how to spell "marijuana"?

A. Yes. But the word was originally spelled with an "h," and that is how the word is spelled in federal law and the Michigan statutes. But everyone else today, including the courts, uses the more common spelling with the "j".

## Q. Has marihuana been legalized?

A. Yes. Marihuana has been legalized in Michigan:

- [Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421](#)
- [Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101](#)
- [Marihuana Tracking Act, Public Act 282 of 2016, MCL 333.27901](#)
- [Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018](#)

Marihuana is still an illegal ("scheduled") drug under federal law.

Following the passage of Proposal 1 of 2018, there are now **four categories of legal marihuana use** in Michigan:

### 1) Under the original Medical Marihuana Act (*the original statewide ballot initiative in 2008*):

- We still have the medical marihuana **qualified patient** and **registered caregiver** system.

### 2) Under the existing Medical Marihuana Facilities Licensing Act (*passed by Legislature in 2016*):

- We have a state licensing system for **licensed medical marihuana facilities**, such as provisioning centers and grow operations to serve the patients and caregivers in the medical use of marihuana.

### 3) Under the NEW Michigan Regulation and Taxation of Marihuana Act (*Adopted November 6, 2018 as a statewide ballot initiative*):

- **Individuals:** Individuals anywhere in Michigan may now use marihuana for individual recreational purposes, as long as they comply with the Act. A township cannot prohibit or regulate that use.
- **Recreational marihuana establishments (grow operations, stores, etc.):** "Recreational marihuana establishments" may be licensed by the state and local units to serve anyone regarding recreational marihuana use. This part of the ballot proposal will have up to a year to be implemented by the state. A township can choose to prohibit any or all types of recreational marihuana establishments by adopting an ordinance. There is no deadline for a township to decide to do so. BUT that ordinance is subject to referendum to have it voted up or down on a ballot. There is no deadline for referendum.

**Q. Will there continue to be separate systems for “medical” and “recreational” marihuana use?**

**A.** We do not know. The Michigan Medical Marihuana Facilities Licensing Act and the Marihuana Tracking Act are both statutes adopted by the Legislature and may be amended or repealed at any time.

The Medical Marihuana Act and the Michigan Regulation and Taxation of Marihuana Act are both statewide initiatives. Under Article II Section 9 of the Michigan Constitution of 1963, “No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof.”

## **Resources from the Michigan Department of Licensing and Regulatory Affairs (LARA)**

- [Bureau of Medical Marihuana Regulation website](#)
- [Medical Marihuana Facility Licensing website](#)



# Township Options as Employers and Property Owners

A township board may take steps to address how a person may or may not use marihuana for medical or recreational purposes while working for the township, or when in township facilities or on township property.

A township board should work with its attorney, human resources staff/consultants, labor negotiators and insurance carriers to develop or amend policies addressing marihuana use. Consider reviewing policies regarding alcohol use as a starting point (once banned by federal law, now lawful under state licensing and regulation).

Also, because the Medical Marihuana Act and the Michigan Regulation and Taxation of Marihuana Act have different language describing the protections of each Act, be sure to work with the township's attorney, human resources staff/consultants, labor negotiators, and insurance carriers for specific guidance on how to handle the discipline or discharge of specific individuals.

The following information is intended as a general informational overview, not a legal opinion, and existing or future court opinions could impact a township's actions.

## Township as Employer

### Under the Michigan Regulation and Taxation of Marihuana Act (recreational marihuana):

- An **employer** may prohibit conduct involving recreational use of marihuana otherwise allowed by the Act in any workplace or on the employer's property. An employer is not required to permit or accommodate.
- An **employer** may discipline an employee for violation of a workplace drug policy or for working while under the influence of marihuana.
- An **employer** may refuse to hire, and may discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.

### Under the Medical Marihuana Act:

Why distinguish between the two Acts? Because we do have some case law on employment and the Medical Marihuana Act; we only have the text of the Michigan Regulation and Taxation of Marihuana Act as of now. And the language of the two Acts is different.

For example, the Medical Marihuana Acts states: "An employer [is not required] to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana." But it does not go into the same detail as the other provisions in the Michigan Regulation and Taxation of Marihuana Act.

An employer may discipline or discharge an employee for using medical marihuana or working under the influence, or for using medical marihuana while away from the workplace:

“The MMMA meant to provide some limited protection for medical marijuana users from state actions, primarily arrest and prosecution. Even the scope of that protection is unclear and limited. Nothing in the language or the purpose of the MMMA indicates an intent of the Michigan voters to regulate private employment, and the MMMA does not address private employment directly. Whatever protection the MMMA does provide users of medical marijuana, it does not reach to private employment.”

*Casias v. Wal-Mart Stores, Inc.*, 764 F. Supp. 2d 914 (W.D. Mich. 2011), aff'd, (6th Cir. 2012)

The Court in *Casias* referred to a “private employer,” without addressing whether the law would apply differently to a “public employer,” like a township. Note that the Act does not distinguish types of employers.

Also note that there is currently no statutory standard for whether a person is “under the influence” as compared to “using” marijuana, so a township should work with its attorney for specific guidance on disciplining or discharging a person who is a qualified patient using marijuana for medical purposes.

For example, a person who is discharged for use of medical marijuana, without further determination that they were “under the influence,” might still be eligible for unemployment benefits, based on *Braska v. Challenge Mfg. Co.*, 307 Mich. App. 340 (2014):

“Claimants tested positive for marijuana and would ordinarily have been disqualified for unemployment benefits under MESA, MCL 421.29(1)(m); however, because there was no evidence to suggest that the positive drug tests were caused by anything other than claimants' use of medical marijuana in accordance with the terms of the MMMA, the denial of the benefits constituted an improper penalty for the medical use of marijuana under the MMMA, MCL 333.26424(a).”

## Township as Property Owner

### Under the Michigan Regulation and Taxation of Marijuana Act (recreational marijuana):

- A **person** may prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marijuana and marijuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking.
- A person cannot consume marijuana in a public place or smoke marijuana where prohibited by the person who owns, occupies, or manages the property, except in an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.

### Under the Medical Marijuana Act:

The Act does not specifically address the rights of property owners to refuse to allow individuals to use marijuana on their property. But it also does not specifically provide a protection for a patient or caregiver to use marijuana where the property owner does not allow it. Township-owned property is not automatically open to the public, and the township board determines what township property and facilities will be open to the public and how. Township property that has been opened to the public by a township board would fall under the prohibition on using in a “public place.” *People v. Carlton*, 313 Mich. App. 339 (2015)

# Recreational Marihuana

## Individuals

### Q. What can an individual who is not a patient or caregiver do with marihuana now?

A. The Michigan Regulation and Taxation of Marihuana Act allows any person 21 years or older to:

- Possess, use or consume, purchase, transport or process 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate.
- Within their residence, possess, store, and process not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises.
- Within their residence, cultivate not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once.
- Assist another person who is 21 years old or older in any of the same.
- Give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, as long as the transfer is not advertised or promoted to the public.
- Manufacture, possess, and purchase marihuana accessories.
- Distribute or sell marihuana accessories to a person 21 years or older.

### Q. Are there any limits on what people can do with marihuana now?

A. Yes. The new law continues to prohibit public smoking, consumption or vaping in public places such as parks, schools, hospitals, bars and restaurants, concert venues and on federal land. Users still cannot operate motor vehicles while impaired.

The following is not intended to describe the full scope of the Acts, state agency rules or case law.

#### 1) **UNLAWFUL Individual Activities Involving Recreational Marihuana:**

- Operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana.
- Consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way.
- Transferring marihuana or marihuana accessories to a person under the age of 21.
- A person under the age of 21 possessing, consuming, purchasing or otherwise obtaining, cultivating, processing, transporting, or selling marihuana (*unless the person is a qualified patient or minor patient, and to the extent allowed by the Medical Marihuana Act*).
- Separating plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure.

- Consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age.
- Cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- Possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility.
- Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.

## 2) Individual Activities Involving Recreational Marihuana That May be Prohibited:

- An **employer** may prohibit conduct otherwise allowed by this act in any workplace or on the employer's property. (Employer is not required to permit or accommodate.)
- An **employer** may discipline an employee for violation of a workplace drug policy or for working while under the influence of marihuana.
- An **employer** may refuse to hire, and may discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.
- A **person** may prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.

## Recreational Marihuana Establishments

"Recreational marihuana establishments" may be licensed by the state and local units to serve anyone regarding recreational marihuana use. For more information on recreational marihuana establishments, refer to [Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018](#). Note that the Michigan Department of Licensing and Regulatory Affairs (LARA) is required to develop rules to implement the Act within a year of it taking effect.

Here are the sections of the Act that reference options of "municipalities" (city, village or township) to prohibit or license recreational marihuana establishments:

### **Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (excerpted)**

#### **Sec. 6.**

1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.
2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:
  - (a) establish reasonable restrictions on public signs related to marihuana establishments;
  - (b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
  - (c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
  - (d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.
3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.
4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.
5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

\*\*\*

## Sec. 9.

1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

(a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;

(b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;

(c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;

(d) no person who holds an ownership interest in the marihuana establishment applicant:

(1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;

(2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and

(3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.

4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall

decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.

6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.

\*\*\*

#### **Sec. 16.**

1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:

- (a) the municipality shall notify the department that the municipal license has been issued;
- (b) the municipal license has the same force and effect as a state license; and
- (c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

A township may choose to prohibit any or all types of recreational marihuana establishments by adopting an ordinance. There is no deadline for a township to decide to do so. BUT any ordinance to prohibit or allow is subject to referendum to have it voted up or down on a ballot. There is no deadline for referendum.

Following is the **MTA Sample Ordinance to Prohibit Recreational Marihuana Establishments**. The Michigan Compiled Laws (MCL) numbers had not been assigned to the new Act at the time of publication and will be updated as they become available.

## MTA Sample Ordinance to Prohibit Recreational Marihuana Establishments

TOWNSHIP OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, STATE OF MICHIGAN

ORDINANCE NO. \_\_\_\_\_  
ADOPTED: \_\_\_\_\_, 20\_\_  
EFFECTIVE: \_\_\_\_\_, 20\_\_

### **PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of \_\_\_\_\_ Township pursuant to Initiated Law 1 of 2018, MCL \_\_\_\_\_ *et seq.*, as may be amended; 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 \_\_\_\_\_  
\_\_\_\_\_ COUNTY, MICHIGAN

**ORDAINS:**

#### **SECTION I** **TITLE**

This ordinance shall be known as and may be cited as the \_\_\_\_\_ Township Prohibition of Marihuana Establishments Ordinance.

#### **SECTION II** **DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL \_\_\_\_\_ *et seq.*, as may be amended.

#### **SECTION III** **NO MARIHUANA ESTABLISHMENTS**

\_\_\_\_\_ Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL \_\_\_\_\_ *et seq.*, as may be amended.

#### **SECTION IV** **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, in the discretion of the Court. 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 V**  
**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.

**SECTION VI**  
**REPEAL**

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

**SECTION VII**  
**EFFECTIVE DATE**

This ordinance shall take effect \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ Township

\_\_\_\_\_, Clerk

\_\_\_\_\_

(\_\_\_\_) \_\_\_\_ - \_\_\_\_

# Medical Marihuana

## Patients and Caregivers

As long as they comply with the Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act (as applicable), a qualifying patient or primary caregiver who has been issued and possesses a registry identification card is **NOT**:

- Subject to arrest, prosecution, or penalty in any manner.
- Denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana.

### What can a patient do?

- Possess a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.
- Grow 12 marihuana plants kept in an enclosed, locked facility, including in their residence or on residential property (cannot be required to get home occupation approval).
- Obtain marihuana from a licensed medical marihuana provisioning center.
- Transfer/sell seeds or seedlings to a licensed medical marihuana grower.
- Transfer marihuana for testing to/from a licensed medical marihuana safety compliance facility.

### What can a caregiver do?

- For each qualifying patient to whom he or she is connected through the department's registration process, a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.
- Grow 12 marihuana plants per qualifying patient up to maximum of five patients, plus for him/herself if also registered as a qualifying patient (maximum of 72 plants) kept in an enclosed, locked facility, including in their residence or on residential property (cannot be required to get home occupation approval).
- May receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana.
- Obtain marihuana from a licensed medical marihuana provisioning center.
- Transfer/sell seeds or seedlings to a licensed medical marihuana grower.
- Transfer marihuana for testing to/from a licensed medical marihuana safety compliance facility.
- Transport or possess a marihuana-infused product in or upon a motor vehicle if the marihuana-infused product is accompanied by an **accurate marihuana transportation manifest** and enclosed in a case carried in the trunk of the vehicle or, if the vehicle does not have a trunk, is enclosed in a case and carried so as not to be readily accessible from the interior of the vehicle.
- Transport or possess a marihuana-infused product in or upon a motor vehicle **for the use of his or her child, spouse, or parent who is a qualifying patient** if the marihuana-infused product is in a **sealed and labeled package** that is carried in the trunk of the vehicle or, if the vehicle does not have a trunk, is carried so as not to be readily accessible from the interior of the vehicle. The label must state the weight of the marihuana-infused product in ounces, name of the manufacturer, date of manufacture, name of the qualifying patient, and, if applicable, name of the person from whom the marihuana-infused product was received and date of receipt.

**Q. Are there any limits on what people can do with medical marihuana?**

**A.** Yes, the Act provides:

**1) It is UNLAWFUL for an individual to do the following involving Medical Marihuana:**

- Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.
- Possess marihuana, or otherwise engage in the medical use of marihuana at any of the following locations:
  - In a school bus.
  - On the grounds of any preschool or primary or secondary school.
  - In any correctional facility.
- Smoke marihuana at any of the following locations:
  - On any form of public transportation.
  - In any public place.
- Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana.
- Use marihuana if that person does not have a serious or debilitating medical condition.
- Separate plant resin from a marihuana plant by butane extraction in any public place or motor vehicle, or inside or within the curtilage of any residential structure.
- Separate plant resin from a marihuana plant by butane extraction in a manner that demonstrates a failure to exercise reasonable care or reckless disregard for the safety of others.

**2) Individual activities involving Medical Marihuana That May be Prohibited:**

- An **employer** may prohibit the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana. (Employer is not required to permit or accommodate.)
- A government medical assistance program or commercial or non-profit health insurer is not required to reimburse a person for costs associated with the medical use of marihuana.
- A private property owner may refuse to lease residential property to any person who smokes or cultivates marihuana on the premises, if the prohibition against smoking or cultivating marihuana is in the written lease.

## Licensed Medical Marihuana Facilities

**Q. What do we need to do if we do NOT want any of the facilities authorized under the Medical Marihuana Facilities Licensing Act in our township (or city or village)?**

**A.** A township is not required to adopt an ordinance or take any other action to prohibit the types of facilities authorized under the MMFLA. They are already prohibited by state and federal law and will continue to be illegal in a township, unless the township board adopts an ordinance to allow them (“opt in”) under the MMFLA.

You would only adopt an ordinance dealing with the types of facilities authorized under the MMFLA if the township WANTS to allow one or more type of facilities authorized under the MMFLA.

Because many townships have been asked to take a definitive position declaring that they are not going to “opt in,” the MTA has provided a sample “opt out” resolution. Note that this is not required by the MMFLA, and a township that has not adopted an opt-in ordinance is not required to take any action to “opt out.”

***A township cannot be required to adopt an ordinance allowing the facilities authorized by the MMFLA.***

**Q. What do we need to do if we DO want any of the facilities authorized under the Medical Marihuana Facilities Licensing Act in our township (or city or village)?**

**A.** A township that wants to allow medical marijuana facilities to operate within the township would adopt an “opt in” ordinance allowing one or more of the specific types of facilities authorized by the new Medical Marihuana Facilities Licensing Act.

The “opt in” ordinance should specify which type(s) of facilities—and how many of each type—the township is choosing to allow. If a township “opts in” with an ordinance that does not specify a cap on the type(s) or number of each, applications for any of the types and any number of a type within the township will be considered by LARA.

***A license from the state is still required before a specific facility is authorized to legally operate under the MMFLA.*** The township board’s adoption of the ordinance allowing medical marijuana facilities does not automatically make all facilities lawful.

**Q. Do we need to change our zoning ordinance to reflect a decision by the township board to “opt in” or “opt out”?**

**A.** A township board should work with its attorney and planning consultant to determine whether the township’s current zoning ordinance needs to be amended in any way to reflect the township’s position on allowing or not allowing medical marijuana facilities under the MMFLA.

After Dec. 15, 2017, a medical marijuana facility might be a lawful land use if the township has already “opted in” by separate ordinance to authorize licenses to be granted to that type of facility. In that situation, if the zoning ordinance is amended to not allow or to limit that land use in the township, then any facilities that have **already been locally permitted AND state-licensed under the MMFLA** might have status as a lawful, non-conforming use (be “grandfathered in”).

A township that is considering changing its zoning as it relates to medical marijuana facilities will want to consult with its attorney for specific guidance on when that should occur in relation to the township also taking action to adopt a separate, non-zoning ordinance to “opt in” to allow any types of medical marijuana facilities.

Note that the MMFLA specifically states that:

**[“333.27409 State operating license as revocable privilege.](#)**

“Sec. 409.

**[Emphasis added] “A state operating license is a revocable privilege granted by this state and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.** Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board's and municipality's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior board approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the board.”

**Q. We do not have township zoning, but the county does. How does that affect our ability to “opt in” to authorize medical marijuana facilities under the MMFLA?**

**A.** This is an area of the law that has raised some confusion. Where a township does not zone, but the county does, then the county zoning applies. But under the MMFLA, a county does not have the authority to adopt an ordinance to “opt in” and authorize medical marijuana facilities. It is not clear at this time how a court would rule if the county zoning ordinance does not zone for or permit the type of medical marijuana facilities that a township in that county is seeking to authorize. And a township would still have to adopt an ordinance to “opt in.” Even if a county zoning ordinance is determined to be able to address medical marijuana facilities, that does not change the fact that only a township, city or village may adopt an ordinance to “opt in” to allow any medical marijuana facilities.

**Q. We do not have township zoning, and neither does the county. How does that affect our ability to “opt in” to authorize medical marijuana facilities under the MMFLA?**

**A.** Where a township is “un-zoned,” the township may still choose to “opt in,” and must adopt an “opt in” ordinance if it wants to allow any facilities to be licensed. However, there will be no zoning regulation of where the medical marijuana facilities can be located.

**Q. What types of facilities may be authorized under the Medical Marijuana Facilities Licensing Act if a township allows them by ordinance?**

**A.** The following types of medical marijuana facilities are authorized by the MMFLA. One or more types may be allowed by a township ordinance:

**Class A, B, or C Grower**—“A licensee that is a commercial entity located in this State that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.”

Class A: 500 plants -- Class B: 1,000 plants -- Class C: 1,500 plants

**Processor**—“A licensee that is a commercial entity located in this State that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana infused product for sale and transfer in packaged form to a provisioning center.”

**Provisioning Center**—“A licensee that is a commercial entity located in this State that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through their registered primary caregivers. The term includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the marijuana registration process of the Department of Licensing and Regulation in accordance with the Michigan Medical Marijuana Act will not be a provisioning center for purposes of the Licensing Act.”

**Secure Transporter**—“A licensee that is a commercial entity located in this State that stores marijuana and transports it between marijuana facilities for a fee.”

**Safety Compliance Facility**—“A licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marijuana to the facility.”

**Q. Why would a township consider allowing one or more of the types of facilities authorized under the new Medical Marijuana Facilities Licensing Act?**

**A.** Some communities accept medical marijuana use for compassionate reasons, and believe that the Medical Marijuana Facilities Licensing Act will better facilitate the spirit and the actual practice of the patient-caregiver relationship authorized by the statewide initiative that created the Medical Marijuana Act in 2008.

Other communities may be responding to a real demand or broad support locally for providing medical marijuana facilities and business opportunities.

And it may be a revenue source:

- **Annual administrative fee:** Once a township adopts an ordinance allowing one or more of the types of facilities authorized by the Medical Marihuana Facilities Licensing Act, the township may in that ordinance require “an annual, nonrefundable fee of not more than \$5,000.00 on a licensee to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the municipality.” (“Nonrefundable” as in not returned if the license is revoked or not renewed.) The amount of the fee must be reasonably related to the township’s costs to administer and enforce the Act.
- **Property tax revenues:** These facilities are businesses and may be profitable. And in some communities medical marijuana facilities will utilize commercial properties that are currently vacant or even off the tax roll due to foreclosure.
- **State shared revenues, as appropriated:** A state tax will be imposed on each provisioning center at the rate of 3% of the provisioning center's gross retail receipts, which will go to the state Medical Marihuana Excise Fund. The money in the fund will be allocated, *upon appropriation*, to the state, counties and municipalities in which a marihuana facility is located, with “25% to municipalities in which a marihuana facility is located, allocated in proportion to the number of marihuana facilities within the municipality.”

**Q. How will the state manage this licensing system and track compliance?**

**A.** The MMFLA requires licensees to “adopt and use a third-party inventory control and tracking system that is capable of interfacing with the statewide monitoring system to allow the licensee to enter or access information in the statewide monitoring system as required under this act and rules.” Yes, there already are such third-party software systems commercially available.

The [Marihuana Tracking Act, Public 282 of 2016, MCL 333.27901, et seq.](#), enacted at the same time as the MMFLA, requires LARA to establish a confidential statewide internet-based monitoring system for integrated tracking, inventory, and verification. It will be a system “established, implemented, and maintained directly or indirectly by the department [LARA] that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (i) Verifying registry identification cards.
- (ii) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (iii) Verifying in a commercially reasonable time that a transfer will not exceed the limit that the registered qualifying patient or registered primary caregiver is authorized to receive under section 4 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26424.”

**Q. The information on who is a qualified patient or a registered caregiver is currently confidential and exempt from public disclosure under the MMMA. How will the license process be treated—is that information going to be confidential?**

**A.** The MMFLA requires that:

“Except as otherwise provided in this act, all information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board [MMFL Board] are subject to the freedom of information act, ..., except for the following:

(i) Unless presented during a public hearing or requested by the licensee or applicant who is the sole subject of the data, all of the information, records, interviews, reports, statements, memoranda, or other data supplied to, created by, or used by the board related to background investigation of applicants or licensees and to trade secrets, internal controls, and security measures of the licensees or applicants.

(ii) All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board that have been received from another jurisdiction or local, state, or federal agency under a promise of confidentiality or if the release of the information is otherwise barred by the statutes, rules, or regulations of that jurisdiction or agency or by an intergovernmental agreement.

(iii) All information in the statewide monitoring system.”

So the Medical Marihuana Facility Licensing Board’s records **are** subject to the FOIA and public disclosure, with some specific exceptions.

Here are the records that will be **exempt** from disclosure:

- The data, all of the information, records, interviews, reports, statements, memoranda, or other data supplied to, created by, or used by the board *related to background investigation of applicants or licensees and to trade secrets, internal controls, and security measures of the licensees or applicants* **is exempt from disclosure, UNLESS:**
  1. That data, information, record, etc. was presented during a public hearing (of the MMFLB), in which case it is NOT exempt from disclosure.  
**OR**
  2. The licensee or applicant who is the sole subject of that data, information, record, etc. requests it, in which case it may be released to that licensee or applicant.
- All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the MMLFB that have been received from another jurisdiction or local, state, or federal agency (including a township) **is exempt from disclosure BUT ONLY IF:**
  1. The other jurisdiction or local, state, or federal agency (including a township) supplied it to the MMFLB *under a promise of confidentiality.*  
**OR**
  2. The release of the information is otherwise *barred by the statutes, rules, or regulations of that jurisdiction or agency or by an intergovernmental agreement.*
- All information in the statewide monitoring system is **exempt from disclosure.**

The Marihuana Tracking Act states that “the information in the system is confidential and is exempt from disclosure under the freedom of information act. Information in the system may be disclosed for purposes of enforcing this act; the Michigan medical marihuana act; and the medical marihuana facilities licensing act.”



## 1) MTA Sample Medical Marihuana Facilities Opt-In Ordinance

(To allow one or more types of medical marijuana facilities)

TOWNSHIP OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, STATE OF MICHIGAN

ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

### 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 \_\_\_\_\_ 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 \_\_\_\_\_

\_\_\_\_\_ COUNTY, MICHIGAN

**ORDAINS:**

#### **SECTION I** **TITLE**

This ordinance shall be known as and may be cited as the \_\_\_\_\_ 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**

***[Note: A township is not required to state a specific number of authorizations for a type of facility. A township may choose to authorize an unlimited number of a type of facility. For example, "An unlimited number of grower(s) shall be authorized..."]***

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 \_\_\_\_\_ 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 \_\_\_\_\_ Class A growers (500 marihuana plants) may be authorized in the Township.
  2. Not more than \_\_\_\_\_ Class B growers (1,000 marihuana plants) may be authorized in the Township.
  3. Not more than \_\_\_\_\_ Class C growers (1,500 marihuana plants) may be authorized in the Township.
- b) Not more than \_\_\_\_\_ processor(s) shall be authorized in the Township.
- c) Not more than \_\_\_\_\_ provisioning center(s) shall be authorized in the Township.
- d) Not more than \_\_\_\_\_ safety compliance facility(ies) shall be authorized in the Township.
- e) Not more than \_\_\_\_\_ secure transporter(s) shall be authorized in the Township.

2. On and after \_\_\_\_\_, 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 and/or other designee of the Township Board (hereinafter referred to as "Clerk"). Once the 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 including but not limited to any zoning approval for the location of the facility within the Township.

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 zoning ordinance regulations. The facility shall only be operated as long as it remains in compliance with all Township zoning ordinance regulations.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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**  
**ANNUAL MEDICAL MARIHUANA FACILITY FEE**

There is hereby established an annual nonrefundable Township medical marihuana facility fee in the amount of \$\_\_\_\_\_ (up to \$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 \$\_\_\_\_\_ (up to \$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.

**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.

## 2) MTA Sample Medical Marijuana Facilities Resolution

*(To “Opt Out” and decline to authorize any type of medical marijuana facilities)*

### **NOTE on “Opting Out”:**

Although a township board may use this sample resolution if it wants to make a statement that it does not want to authorize any **medical marijuana facilities** (“opt out”), it is important to remember that a township is not required to adopt an ordinance or resolution or take any other action to prohibit the types of medical marijuana facilities authorized under the MMFLA. They are already prohibited by state and federal law and will continue to be illegal in a township unless the township board adopts an “opt in” ordinance to allow one or more types of facility allowed under the MMFLA.

Because many townships have been asked to take a definitive position declaring that they are not going to “opt in,” the MTA has provided a sample “opt out” resolution. Note that this is not required by the MMFLA, and a township that has not adopted an opt-in ordinance is not required to take any action to “opt out.” And even if a township “opts out,” it may still “opt in” at a later date. There is no deadline for a township to decide or to take any action.

TOWNSHIP OF \_\_\_\_\_

\_\_\_\_\_ COUNTY, MICHIGAN

### **RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES**

**AUTHORIZED BY PA 281 OF 2016**

**RESOLUTION NO.** \_\_\_\_\_

**DATED:** \_\_\_\_\_, 20\_\_

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 marijuana (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] marijuana 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 marijuana 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 Marijuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marijuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of \_\_\_\_\_ Township, \_\_\_\_\_ 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. \_\_\_\_\_ Township, \_\_\_\_\_ 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 \_\_\_\_\_, supported by Board member \_\_\_\_\_ at a meeting on \_\_\_\_\_, 20\_\_ . The members of the Township Board voted as follows:

The TOWNSHIP SUPERVISOR declared the RESOLUTION duly adopted.

\_\_\_\_\_  
(NAME), 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 \_\_\_\_\_ Township Board held on \_\_\_\_\_, 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.

\_\_\_\_\_  
\_\_\_\_\_, Clerk  
Township of \_\_\_\_\_  
\_\_\_\_\_ County, Michigan

<b>2018 Proposal Language</b>	
<b>INITIATION OF LEGISLATION</b>	
An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act.	<b>Preface</b>
The people of the State of Michigan enact:	
<b>Sec. 1.</b> This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.	<b>Sec. 1. Title</b>
<b>Sec. 2.</b> The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved.	<b>Sec. 2. Purpose</b>
The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments.	
To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.	
<b>Sec. 3.</b> As used in this act:	<b>Sec. 3. Definitions</b>
(a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.	
(b) "Department" means the department of licensing and regulatory affairs.	

<p>(c) "Industrial hemp" means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.</p>	
<p>(d) "Licensee" means a person holding a state license.</p>	
<p>(e) "Marihuana" means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products.</p>	
<p>For purposes of this act, marihuana does not include:</p>	
<p>(1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;</p>	
<p>(2) industrial hemp; or</p>	
<p>(3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.</p>	
<p>(f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.</p>	
<p>(g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.</p>	
<p>(h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.</p>	
<p>(i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.</p>	



(j) “Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.	
(k) “Marihuana microbusiness” means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.	
(l) “Marihuana processor” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.	
(m) “Marihuana retailer” means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.	
(n) “Marihuana secure transporter” means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.	
(o) “Marihuana safety compliance facility” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.	
(p) “Municipal license” means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.	
(q) “Municipality” means a city, village, or township.	
(r) “Person” means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.	
(s) “Process” or “Processing” means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.	
(t) “State license” means a license issued by the department that allows a person to operate a marihuana establishment.	

<p>(u) “Unreasonably impracticable” means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.</p>	
<p><b>Sec. 4.</b></p>	<p><b>Sec. 4. Prohibitions</b></p>
<p>1. This act does not authorize:</p>	
<p>(a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;</p>	
<p>(b) transfer of marihuana or marihuana accessories to a person under the age of 21;</p>	
<p>(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;</p>	
<p>(d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;</p>	
<p>(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;</p>	
<p>(f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;</p>	
<p>(g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;</p>	

(h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or	
(i) Possessing more than 2.5 ounces of marihuana within a person’s place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.	
2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.	
3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer’s property.	
This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana.	
This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person’s violation of a workplace drug policy or because that person was working while under the influence of marihuana.	
4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.	
5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.	
<b>Sec. 5.</b>	<b>Sec. 5. Legalization</b>

<p>1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:</p>	
<p>(a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;</p>	
<p>(b) within the person’s residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;</p>	
<p>(c) assisting another person who is 21 years of age or older in any of the acts described in this section; and</p>	
<p>(d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.</p>	
<p>2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.</p>	
<p>3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person’s behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.</p>	
<p><b>Sec. 6.</b></p>	<p><b>Sec. 6. Municipal Authority/Ordinance</b></p>
<p>1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries.</p>	

<p>Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.</p>	
<p>2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:</p>	
<p>(a) establish reasonable restrictions on public signs related to marihuana establishments;</p>	
<p>(b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;</p>	
<p>(c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and</p>	
<p>(d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.</p>	
<p>3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.</p>	
<p>4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.</p>	
<p>5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.</p>	

Sec. 7.	Sec. 7. LARA
1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana.	
The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties.	
No person who is pecuniarily interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act.	
An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the implementation, administration, or enforcement of this act.	
The department of state police shall cooperate and assist the department in conducting background investigations of applicants.	
Responsibilities of the department include:	
(a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;	
(b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;	
(c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;	
(d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;	
(e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and	

<p>(f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.</p>	
<p><b>Sec. 8.</b></p>	<p><b>Sec. 8. LARA Rules &amp; Procedures</b></p>
<p>1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:</p>	
<p>(a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;</p>	
<p>(b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;</p>	
<p>(c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor;</p>	
<p>(d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;</p>	
<p>(e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;</p>	
<p>(f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;</p>	

(g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;	
(h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;	
(i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;	
(j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities; and	
(k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.	
2. In furtherance of the intent of this act, the department may promulgate rules to:	
(a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or	
(b) regulate the cultivation, processing, distribution, and sale of industrial hemp.	
3. The department may not promulgate a rule that:	
(a) establishes a limit on the number of any type of state licenses that may be granted;	
(b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;	



(c) prohibits a marihuana establishment from operating at a shared location of a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana processor, or marihuana retailer from operating within a single facility; or	
(d) is unreasonably impracticable.	
<b>Sec. 9.</b>	<b>Sec. 9. License Types/Application</b>
1. Each application for a state license must be submitted to the department.	
Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.	
2. The department shall issue the following state license types:	
<ul style="list-style-type: none"> <li>● marihuana retailer;</li> <li>● marihuana safety compliance facility;</li> <li>● marihuana secure transporter;</li> <li>● marihuana processor;</li> <li>● marihuana microbusiness;</li> <li>● class A marihuana grower authorizing cultivation of not more than 100 marihuana plants;</li> <li>● class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and</li> <li>● class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.</li> </ul>	
3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:	
(a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;	
(b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;	

<p>(c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;</p>	
<p>(d) no person who holds an ownership interest in the marihuana establishment applicant:</p>	
<p>(1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;</p>	
<p>(2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and</p>	
<p>(3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.</p>	
<p>4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.</p>	
<p>5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term.</p>	
<p>A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.</p>	
<p>6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act.</p>	

<p>Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure:</p>	
<ul style="list-style-type: none"> <li>● for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan;</li> </ul>	
<ul style="list-style-type: none"> <li>● for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801;</li> </ul>	
<ul style="list-style-type: none"> <li>● and for a marihuana safety compliance facility, from any applicant.</li> </ul>	
<p>One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.</p>	
<p>7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.</p>	
<p><b>Sec. 10.</b></p> <p>1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:</p>	<p><b>Sec. 10. Legalizing Marihuana Business</b></p>
<p>(a) a marihuana grower or an agent acting on behalf of a marihuana grower who is 21 years of age or older, cultivating not more than the number of marihuana plants authorized by the state license class; possessing, packaging, storing, or testing marihuana; acquiring marihuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;</p>	

(b) a marihuana processor or agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;	
(c) a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment; or receiving compensation for services;	
(d) a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services;	
(e) a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 years of age or older, possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person 21 years of age or older; or receiving compensation for goods or services; or	
(f) a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 years of age or older, cultivating not more than 150 marihuana plants; possessing, processing, packaging, storing, or testing marihuana from marihuana plants cultivated on the premises; selling or otherwise transferring marihuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.	
(g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;	
(h) enrolling or employing a person who engages in marihuana-related activities allowed under this act;	
(i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or	
(j) providing professional services to prospective or licensed marihuana establishments related to activity under this act.	

<p>2. A person acting as an agent of a marihuana retailer who sells or otherwise transfers marihuana or marihuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.</p>	
<p>3. It is the public policy of this state that contracts related to the operation of marihuana establishments be enforceable.</p>	
<p><b>Sec. 11.</b></p>	<p><b>Sec. 11. Marihuana Business Prohibitions</b></p>
<p>(a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.</p>	
<p>(b) A marihuana establishment may not cultivate, process, test, or store marihuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.</p>	
<p>(c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marihuana and marihuana accessories.</p>	
<p>(d) No marihuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.</p>	
<p>(e) No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.</p>	
<p>(f) No marihuana establishment may sell or otherwise transfer marihuana that was not produced, distributed, and taxed in compliance with this act.</p>	

(g) A marihuana grower, marihuana retailer, marihuana processor, marihuana microbusiness, or marihuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.	
(h) A marihuana secure transporter may not hold title to marihuana.	
(i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.	
(j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.	
(k) No marihuana establishment may sell or otherwise transfer tobacco.	
<b>Sec. 12.</b> In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.	<b>Sec. 12. State Tax Deductions</b>
<b>Sec. 13.</b>	<b>Sec. 13.10% Excise Tax</b>
1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.	
2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.	
3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328 that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.	
<b>Sec. 14.</b>	<b>Sec. 14. State Marihuana Regulation Fund</b>
1. The marihuana regulation fund is created in the state treasury.	

<p>The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.</p>	
<p>2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.</p>	
<p>3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide.</p>	
<p>Upon appropriation, unexpended balances must be allocated as follows:</p>	
<p>(a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;</p>	
<p>(b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;</p>	
<p>(c) 35% to the school aid fund to be used for K-12 education; and</p>	
<p>(d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.</p>	
<p><b>Sec. 15.</b> A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:</p>	<p><b>Sec. 15. Violations, Punishments</b></p>

<p>1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.</p>	
<p>2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:</p>	
<p>(a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;</p>	
<p>(b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;</p>	
<p>(c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.</p>	
<p>3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:</p>	
<p>(a) for a first violation, is responsible for a civil infraction and may be punished as follows:</p>	
<p>(1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or</p>	
<p>(2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.</p>	
<p>(b) for a second violation, is responsible for a civil infraction and may be punished as follows:</p>	



(1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or	
(2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.	
4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.	
<b>Sec. 16.</b>	<b>Sec. 16. Application to Municipality</b>
1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.	
2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.	
3. If a municipality issues a municipal license pursuant to this section:	
(a) the municipality shall notify the department that the municipal license has been issued;	
(b) the municipal license has the same force and effect as a state license; and	
(c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.	
<b>Sec. 17.</b> This act shall be broadly construed to accomplish its intent as stated in section 2 of this act.	<b>Sec. 17. Broad Construction of Act</b>

Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law.	
All provisions of this act are self-executing.	
Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.	



# WASHTENAW COUNTY OFFICE OF THE SHERIFF



JERRY L. CLAYTON  
SHERIFF

2201 Hogback Road ♦ Ann Arbor, Michigan 48105-9732 ♦ OFFICE (734) 971-8400 ♦ FAX (734) 973-4624 ♦ EMAIL [sheriff@ewashtenaw.org](mailto:sheriff@ewashtenaw.org)

MARK A. PTASZEK  
UNDERSHERIFF

November 8, 2018

Laurie Fromhart  
Bridgewater Township Supervisor  
10990 Clinton Rd  
Manchester, MI 48158

Dear Ms. Fromhart,

Attached you will find the October report for service provided by the Washtenaw County Sheriff's Office to Bridgewater Township. The report shows specific information, with comparison to previous years, for time spent by position, traffic enforcement, total calls for service (including MSP), and deputies under contract from other jurisdictions responding into Bridgewater Township.

In Summary, Bridgewater Township had 44 calls for service for the month of October. Of the 44 calls the Michigan State Police responded to 25. The Sheriff Office responded to 8 calls, 11 calls were administratively cleared this month with no police response. In general these calls are typically: BOL's (Be on the Lookout), ambulance requests transferred to Huron Valley Ambulance, cancelation of call due to other resolution, example, alarm company cancels due to home owner request.

Please contact me at [kingl@ewashtenaw.org](mailto:kingl@ewashtenaw.org) or 734-994-8104 if you should need further information or clarification or wish to have this information in electronic form.

Respectfully,

Lisa King  
Lieutenant Western Operations

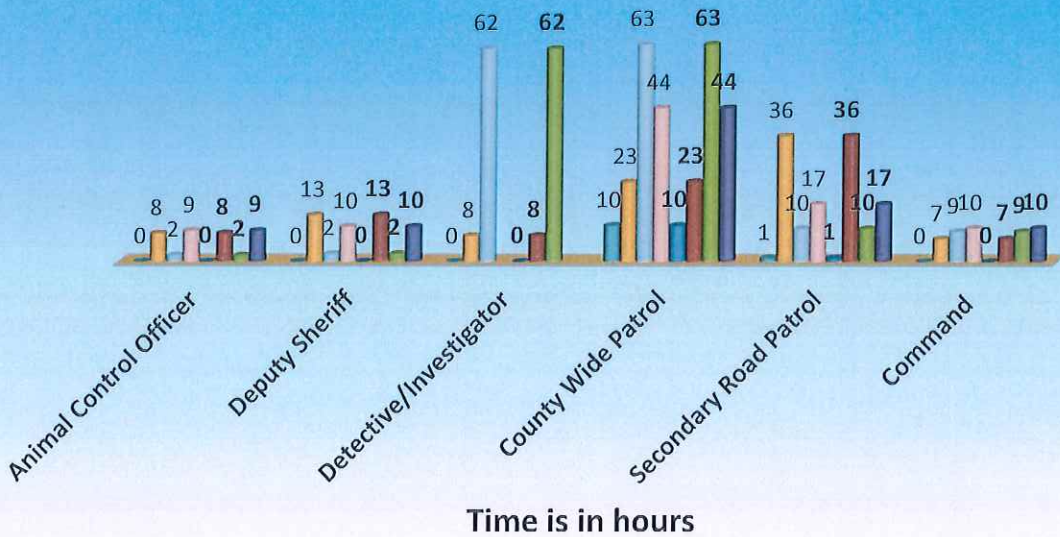


**Washtenaw County Sheriff's Office**  
 Bridgewater Township Services—OCTOBER 2018

**Sheriff Activity by Position**

Time spent in Bridgewater Township

■ OCTOBER 2018  
 ■ YTD 2018  
 ■ YTD 2017  
 ■ YTD 2016  
■ OCTOBER 2018  
 ■ YTD 2018  
 ■ YTD 2017  
 ■ YTD 2016



**Animal Control Officer:** County funded animal control officer responding to complaints involving domestic animals or wild animals that have been domesticated.

**Deputy Sheriff:** Deputies under contract by another jurisdiction who perform law enforcement duties in non-contract areas.

**Detective/Investigator:** County Funded detectives/investigators who have additional training, experience, and equipment to perform higher level law enforcement duties.

**County Wide Patrol:** County funded county wide road patrol deputies who primarily perform law enforcement duties in non-contracting areas.

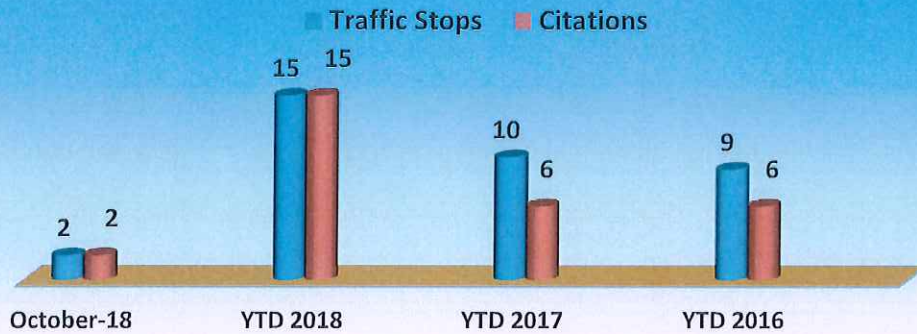
**Secondary Road Patrol:** A partially funded grant to provide traffic enforcement on secondary roads throughout the County. Respond to and investigate traffic related incidents on secondary roads. On call investigators for serious injury and fatal motor vehicle crashes.

**Command:** Road patrol sergeants who supervise the above staff. Manages on duty staffing and coordinated on scene police response.



**Washtenaw County Sheriff's Office**  
**Bridgewater Township Services—OCTOBER 2018**

**Traffic Enforcement--Bridgewater Township**



**Bridgewater Township Calls for Service**

Includes WCSO & MSP



**Contract Deputies into Bridgewater Township**

Manchester-Lodi Deputies







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RE: Hogan Road Culvert 12 Yahoo/Inbox

Laurie Fromhart Sheryl, Here are the pictures of th Sep 27 at 11:10 AM

+9 from

Siddall me Hui Kristofer

Laurie Fromhart Hi Sheryl, Just checking in to see if there Nov 21 at 10:47 AM

Berkholz, Aaron <berkholza@wcroads.org> Nov 28 at 11:

To: Laurie Fromhart

Cc: Siddall, Sheryl, MacDonell, Matt, Harmon, Jim, Kristofer Enlow

Good Morning Laurie,

We are preparing updated, preliminary estimates of the design (Engineering, including Survey / ROW) and construction costs associated with the removal and replacement of the culvert.

Certainly our meeting with John Skubinna (MDEQ) was encouraging. No MDEQ permit is required, which will certainly reduce the design costs typically associated with the replacement of a culvert of this size.

The culvert project will potentially include the following – typical for most culverts of this type.

Limited tree removal (needed to accommodate the culvert work).

Soil erosion, sedimentation control (as needed based on conditions).

Excavation / removal of the existing culvert and concrete headwalls.

Bedding and installation of a new culvert. Existing soils will influence bedding depth / materials.

Structure backfill placement, compaction. Embankment (to extend roadside slopes).

Aggregate roadway placement, compaction.

Stone riprap (scour protection, stability).

Site restoration.

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Assessing

Barbu Event Barn

Bemis Rd Bridge

Bridgewater Bank

Bridgewater Commor

Bridgewater Village T

Broadband

Cemetery

CEO



**EVAN N. PRATT, P.E.**

WATER RESOURCES COMMISSIONER  
705 North Zeeb Road  
P.O. Box 8645  
Ann Arbor, MI 48107-8645

email: [drains@washtenaw.org](mailto:drains@washtenaw.org)  
<https://www.washtenaw.org/drains>

HARRY SHEEHAN  
Chief Deputy Water Resources Commissioner

SCOTT MILLER, P.E.  
Deputy Water Resources Commissioner

Telephone 734.222.6860  
Fax 734.222.6803

November 28, 2018

Laurie Fromhart, Supervisor  
Bridgewater Township  
10990 Clinto Rd.  
Manchester, MI 48158

Re: Notification of Emergency Maintenance on the JJ Knapp Drain

Dear Ms. Fromhart:

Section 280.196 of the Michigan Drain Code allows the Water Resources Commissioner to expend funds for maintenance and repair necessary to alleviate an emergency condition. The above referenced drain was in need of immediate repair due to flooding which imposed imminent danger on both the residents and nearby property. The work was completed on November 21, 2018.

This repair exceeded the current annual allowable maintenance limit of \$15,000.00 by \$2174.26 for a total cost of \$17,147.26.

If you have any questions or comments, please do not hesitate to contact me at (734) 222-6860.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Miller".

Scott A. Miller, P.E.  
Deputy Water Resources Commissioner

Enclosure: Excerpt from PA 40 of 1956 as amended



## **Emergency Repair of a County Drain**

(3) If at any time the drain fund of a drainage district contains less than \$5,000.00 per mile or fraction of a mile of a drain, the drain commissioner or drainage board may assess the drainage district for an amount not to exceed \$5,000.00 per mile or fraction of a mile in any 1 year. The amount collected under an assessment shall be deposited in the drain fund of a drainage district for necessary inspection, repair, and maintenance of the drain.

(4) If an inspection discloses the necessity of expending money for the maintenance and repair of a drain in order to keep it in working order, the drain commissioner for a county drain, or the drainage board for an intercounty drain, may without petition expend an amount not to exceed in any 1 year \$5,000.00 per mile or fraction of a mile for maintenance and repair of a drain, exclusive of inspection and engineering fees and the cost of publication and mailing. The determination of the maximum expenditure allowed without a petition or resolution shall be based on the total number of miles of the drain and not on the actual number of miles or location of the maintenance or repair.

(5) If the drain commissioner or the drainage board finds it necessary to expend funds in excess of the amount established in subsection (4) per mile or fraction of a mile in any 1 year for the maintenance and repair of a drain, the additional amounts shall not be expended until approved by resolution of the governing body of each township, city, and village affected by more than 20% of the cost.

(6) If the drain fund of a drainage district does not contain sufficient funds to pay for inspection, repair, and maintenance authorized by this section, the drain commissioner or the drainage board shall reassess the drainage district for the inspection, repair, and maintenance according to benefits received. A reassessment shall be made and spread upon the city or township tax assessment roll within 2 years after the completion of the inspection, repair, and maintenance. If the total expenditure is more than the amount established in subsection (4) per mile or fraction of a mile, all real property owners subject to an assessment within the drainage district shall be notified of the assessment by publication in a newspaper of general circulation within the drainage district and by first-class mail to the name and address that appears on the last city or township assessment roll. An affidavit of mailing shall be made by the drain commissioner. The affidavit is conclusive proof that the notices required by this subsection were mailed. The failure to receive the notices by mail shall not constitute a jurisdictional defect invalidating a drain tax if notice by publication was given as required by this subsection.

(7) An assessment for the actual cost of inspection, repair, and maintenance performed on a drain, or an assessment to be deposited in the drain fund of a drainage district, shall be made according to benefits received. The expenditure limit of the amount established in subsection (4) per mile of drain or fraction of a mile shall be used to calculate the maximum amount that the drain commissioner or drainage board may assess in any 1 year without a petition or a request from a public corporation. The property in a drainage district that benefits from the inspection, repair, or maintenance of the drain is subject to assessment for that inspection, repair, or maintenance. Determination of the maximum assessment amount allowed without petition or request, or of the property that is subject to assessment, shall be based on the number of miles of drain and areas of the drainage district receiving benefits and not on the actual number of miles or actual location of the inspection, repair, or maintenance.

(8) If an emergency condition exists that endangers the public health, crops, or property within a drainage district, the drain commissioner or the drainage board may expend funds for maintenance and repair to alleviate the emergency condition.

(9) Nothing in this section prohibits the drain commissioner or the drainage board from spending funds in excess of the amount established in subsection (4) per mile or fraction of a mile in any 1 year for inspection, maintenance, and repair of a drain when requested by a public corporation, if the public corporation pays the entire cost of the inspection, maintenance, and repair.



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emergency order - jj knapp Yahoo/Inbox

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Scott A. Miller <millers@washtenaw.org> Nov 28 at 3:58 PM  
To: bridgewaterwpsupervisor@yahoo.com

Laurie,

Just a heads up that we issued an emergency order to exceed for the JJ Knapp Drain for some work we needed to perform on the upper end up in Freedom Township. It appears that a section of the pipe we replaced there earlier this year is working too well - water that previously was getting into the system from the ground surface through all of the breaks and blow holes is now ponding in the fields. We installed some new inlets to get water into the pipe and fixed the issue, but it is costing more than the maintenance limit by a couple thousand dollars. Our field inspector talked with Dale over at Freedom already, but I wanted to make sure you knew about the work as well. Please let me know if you have any questions.

Cordially,

Scott Miller, P.E.  
Deputy Water Resources Commissioner  
Washtenaw County Water Resources Commissioner's Office  
705 N. Zeeb Rd., PO Box 8645, Ann Arbor, MI 48107  
Phone: 734-222-6860 | Email: [millers@washtenaw.org](mailto:millers@washtenaw.org)



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- Bemis Rd Bridge
- Bridgewater Bank
- Bridgewater Commor
- Bridgewater Village T
- Broadband
- Cemetery
- CEO



## WASHTENAW COUNTY ROAD COMMISSION

### TOWNSHIP/STAFF REPORT – November 6, 2018

For the period of October 29, 2018 thru November 11, 2018

## TOWNSHIP REPORT

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### OPERATIONS REPORT

#### MAINTENANCE

Scraping of gravel roads and patching of paved roads were performed throughout the county. In addition, the following maintenance activities were performed in individual townships:

#### ANN ARBOR TOWNSHIP

- Boom Mow – Blakeway Street, Chalmers Drive, Riverside Drive, Woodland Road
- Fallen Tree – Whitmore Lake Road
- Limestone Patch Shoulders – E Huron River Drive: 5 tons
- Township-Wide Limestone Resurfacing Project – Blakeway Street, Chalmers Road, Riverside Drive, Woodland Road: 2,404 tons
- Roadside Debris – Geddes Road

#### AUGUSTA TOWNSHIP

- Berming – Torrey Road
- Drainage and Backslopes – Bunton Road, Liss Road, Macey Road, Torrey Road, Tuttle Hill Road
- Limestone Patch – Hitchingham Road, Pitman Road: 94 tons
- McCrone Road Limestone Resurfacing Project – 8,082 tons

#### BRIDGEWATER TOWNSHIP

- Fallen Tree – Burmeister Road
- Gravel Patch – Neblo Road: 6 tons
- Roadside Debris – Austin Road, Clinton Road

#### DEXTER TOWNSHIP

- Boom Mow – Dexter-Pinckney Road, Lakeview Drive, Linck Drive
- Brush Removal – Dexter Townhall Road, Donner Road, Fleming Road, Madden Road, Riker Road
- Limestone Patch – McKinley Road, Stinchfield Woods Road, Wylie Road: 39 tons



## WASHTENAW COUNTY ROAD COMMISSION

### TOWNSHIP/STAFF REPORT – November 6, 2018

For the period of November 12, 2018 thru November 25, 2018

## TOWNSHIP REPORT

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### OPERATIONS REPORT

#### MAINTENANCE

Scraping of gravel roads and patching of paved roads were performed throughout the county. In addition, the following maintenance activities were performed in individual townships:

#### ANN ARBOR TOWNSHIP

- Limestone Patch – Earhart Road: 34 tons

#### AUGUSTA TOWNSHIP

- Canopy Clearing – Butler Road
- Drainage and Backslopes – Willow Road
- McCrone Road Limestone Resurfacing Project – 5,789 tons

#### BRIDGEWATER TOWNSHIP

- McCollum Road Limestone Resurfacing Project – 5,504 tons

#### DEXTER TOWNSHIP

- Drainage and Backslopes – Dexter-Pinckney Road
- Gravel Patch – Dexter Townhall Road, Toma Road: 31 tons
- Limestone Patch – Brand Road, Island Lake Road, Madden Road, Toma Road, Winston Road: 27 tons

#### FREEDOM TOWNSHIP

- Limestone Patch – Parker Road: 20 tons

#### LIMA TOWNSHIP

- Boom Mow – Wylie Road, Scio Church Road
- Border-to-Border City of Chelsea to Lima Center Road Pathway – Tree Removal
- Ditching – N Lima Center Road
- Drainage and Backslopes – Steinbach Road
- Limestone Patch – Fletcher Road, Gross Road, S Lima Center Road, N Steinbach Road: 32 tons

# Bridgewater Township

## Zoning Administrator Report

November 2018

During this month, the following applications were received, reviewed, and acted upon. Also included is a summary of ordinance enforcement and administration activities, and additional information:

### Zoning Compliance Certificates and Administrative Site Plan Approval:

1. **Zoning Compliance Certificate – Ronald Ellison (14107 E. Austin Rd., Manchester).** Application for zoning approval to demolish an existing lean-to structure and construct a new 35' x 82' agricultural building. Approved.
2. **Zoning Compliance Certificate – Shankland (2779 Hogan Rd., Clinton).** Application for zoning approval to construct a new detached private garage accessory structure in the side yard. Approved.

### Ordinance Enforcement:

3. **12460 E. Michigan Ave., Clinton (Samuels) – outdoor storage of junk.** On Thursday, November 8, 2018, I returned to the Samuels property on US-12 and found that all was in order. I observed no remaining ordinance violations. All junk, debris, and related materials subject to the court order have been either removed from the property or moved to indoor storage in one of the outbuildings. The porches, deck, driveway, and lawn areas have all been cleaned up consistent with Ord. No. 37 requirements. This matter is now closed, but I will continue to monitor the property periodically to confirm that it remains in compliance with Township ordinances.

### Ordinance Administration and Other Items of Interest:

4. **Request for addressing of parcel Q-17-19-200-002 (JoAnn Darrow).** A new address, 14041 Logan Rd., was assigned for this vacant parcel per the request of the owner.
5. **Fence/property encroachment dispute (21675 & 21681 Willow Rd.).** I recently received calls from two neighbors on Willow Rd. who have been in a longstanding property line and trespassing dispute. I explained to both parties several times that the Township does not have a role in resolving property line disputes, and recommended to both that they speak to an attorney. The calls came in response to the recent decision of the owner of 21675 Willow Rd. to install a four-foot high wire fence adjacent to his east lot boundary. He received a zoning permit for the fence in late September, and the fence installation is based on a staked boundary survey. The neighbor is understandably upset about the fence, but all ordinance requirements have been followed.
6. **Telephone calls, emails, and meetings.** I received numerous telephone calls and emails regarding requests for zoning district information, dimensional standards for pole barn construction, requirements for keeping and boarding of horses, and applicable zoning requirements/options for a boundary adjustment between two legal nonconforming lots.

Respectfully submitted,

**Rodney C. Nanney**  
Zoning Administrator