

**TOWNSHIP OF HAY  
COUNTY OF GLADWIN, STATE OF MICHIGAN**

**ADOPTED: May 13, 2021  
EFFECTIVE: June 18, 2021**

**RECREATIONAL MARIHUANA FACILITIES ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for recreational marihuana facilities in Hay Township pursuant to Michigan Regulation and Taxation of Marihuana Act, initiated Law 1 of 2018, MCL 333.27951, et. seq., 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 HAY  
GLADWIN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
TITLE**

This ordinance shall be known as and may be cited as the Hay Township Recreational Marihuana Facilities Ordinance.

**SECTION II  
DEFINITIONS**

Words used herein shall have the definitions as provided for in initiated Law 1 of 2018, MCL 333.27951. et. seq., as may be amended.

**SECTION III  
AUTHORIZED RECREATIONAL MARIHUANA FACILITIES**

1. The following recreational marihuana facilities may be authorized to operate within the Township by the holder of a state operating license, subject to compliance with initiated Law 1 of 2018 or, as may be amended, the Rules promulgated thereunder and this ordinance:

a) Not more than 0 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 0 Class A growers (500 marihuana plants) may be authorized in the Township.

2. Not more than 0 Class B growers (1,000 marihuana plants) may be authorized in the Township.

3. Not more than 0 Class C growers (1,500 marihuana plants) may be authorized in the Township.

b) Not more than 0 processor(s) shall be authorized in the Township.

c) Not more than 1 retail provisioning center(s) shall be authorized in the Township.

d) Not more than 0 safety compliance facility(ies) shall be authorized in the Township.

e) Not more than 0 secure transporter(s) shall be authorized in the Township.

2. On and after June 17, 2021 the Township shall accept applications for authorization to operate a recreational marihuana facility within Gladwin County's Business Section 2 only. 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 recreational marihuana facility fee, the application shall be time and date stamped. Complete applications shall be considered for authorization of the board's choosing. Upon consideration, if the facility type authorization is available within the number specified above, then the applicant shall receive conditional authorization to operate such recreational 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 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 recreational marihuana fee submitted.

3. Within thirty days from conditional authorization from the Township or from June 17, 2021, 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 of the board's choosing 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 of the board's choosing as provided for in Section III (2) herein.

5. A conditionally authorized applicant shall receive full authorization from the Township to operate the recreational marihuana facility within the Township upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the recreational 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 RECREATIONAL MARIHUANA FACILITIES**

1. An authorized recreational marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to initiated Law 1 of 2018 or, 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 recreational 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 recreational 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 recreational 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 recreational marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department and/or the Zoning Administrator, upon reasonable notice, to verify compliance with this ordinance.
5. All licensees agree to indemnify, defend and hold harmless Hay Township, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind including, but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating facility, arising out of, claimed to have risen out of, or in any manner connected with the operation of a recreational marihuana facility or use of a product cultivated, processed, distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal RICO Act.
6. All licensees agree to waive and release Hay Township, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of recreational marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
7. All licensees agree to indemnify, defend and hold harmless Hay Township, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of the federal Controlled Substances Act, 21 U.S.C. 801 et seq. or Article 7 of the Michigan Public Health Code. MCL 333.7101 et. seq.
8. All licensees must keep a list of Material Safety Data Sheets for all nutrients, pesticides and other chemicals proposed for use in the Commercial Recreational Marihuana Facility.
9. Permit holders shall at all times maintain a security system that meets Michigan State Law requirements, and shall also include the following:
  1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Facility.
  2. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week.
  3. A locking safe permanently affixed to the permitted premises that shall store all usable marihuana and cash remaining in the Facility overnight.
  4. All marihuana in whatever form stored at the Facility shall be kept in a secure manner and shall not be visible from outside the Facility, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Facility; and
  5. All security recordings and documentation shall be preserved for at least 48 hours by the permit holder and made available to any law enforcement upon request for inspection.
  6. Marihuana and marihuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan. No pictures, photographs, drawings or other depictions of Marihuana or Marihuana paraphernalia shall appear on the outside of permitted premises nor be visible from outside of the permitted premises on the permitted property. The word "Marihuana" shall not appear on the outside of the permitted premises nor be visible outside of the permitted premises on the permitted property. The sale, consumption or use of alcohol on the permitted property is prohibited. Smoking or consumption of controlled substances, including marihuana, on the permitted property is prohibited.
  7. Permitted premises hours of operation shall be Sunday thru Saturday, from 8 a.m. to 8 p.m.
10. If at any time an authorized recreational 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.
11. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized recreational marihuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.

12. 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 recreational marihuana facilities authorized to operate within the Township.

13. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the board's & municipality's (Hay Twp.) approval before a license is transferred, sold or purchased.

14. All licensees agree to commit to community involvement, as determined by the Hay Township Board after the first year of operation.

**SECTION V**  
**ANNUAL RECREATIONAL MARIHUANA FACILITY FEE**

There is hereby established an annual nonrefundable Township recreational marihuana facility fee in the amount of \$5,000 for each authorized recreational marihuana facility within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual recreational marihuana facility fee of \$5,000 shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the recreational 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 recreational marihuana facilities pursuant to initiated Law 1 of 2018, 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.