

**TOWNSHIP OF PENTWATER**  
**COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the Township Board of the Township of Pentwater, Oceana County, Michigan, held at the Pentwater Township Hall, 327 Hancock Street, within the Township, on the 9th day of October 2019 at 6:00 p.m.

PRESENT: Members: Johnson, Siska, Holub, Flynn and Spitler

ABSENT: Members: None

The following preamble and ordinance were offered by Member Holub and supported by Member Flynn:

**ORDINANCE NO. 19-05**

**AN ORDINANCE TO PROVIDE MARIHUANA  
REGULATIONS FOR THE TOWNSHIP OF PENTWATER**

**[Prohibiting Recreational Marihuana Establishments, Medical Marihuana  
Facilities and Use of Marihuana on Township Properties]**

THE TOWNSHIP OF PENTWATER ORDAINS:

Part 1. This Ordinance, which may be cited as the Pentwater Township Marihuana Regulatory Ordinance, is hereby adopted as an Ordinance of the Township of Pentwater. It shall read as follows:

Section 1. **Medical Marihuana Rights Not Affected.** Nothing in this Ordinance shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*

Section 2. **Medical Marihuana Facilities Prohibited.** Public Act 281 of 2016 provided for State licensing of certain defined marihuana facilities, including growers, processors, provisioning centers, safety compliance facilities and secure transporters (“marihuana facilities”). Section 205 of Act 281 provides that a marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility. Pursuant to this ordinance, the Township specifically prohibits, and does not in any way authorize, the issuance of licenses authorizing State-licensed marihuana facilities or establishments to locate and operate within the Township. This prohibition shall also include

all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana facility, and unless this ordinance is amended, nothing in the ordinances of the Township of Pentwater shall be construed as satisfying the requirement in Section MCL 333.27205(1)(a), which requires that prior to issuance of a license, a copy of the local ordinance authorizing a marihuana facility be submitted to the State of Michigan.

**Section 3. Prohibition on Recreational Marihuana Establishments.**

Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the Township and may not be established or operated in any zoning district, by any means, including by way of a variance. The Township of Pentwater has determined that the licensing of marihuana facilities or establishments within the Township should not be permitted for policy reasons, including public safety, law enforcement concerns and the limited amount of appropriately zoned space for certain of these facilities and establishments. Pursuant to this ordinance, the Township specifically prohibits, and does not in any way authorize, the issuance of licenses authorizing State-licensed marihuana facilities or establishments to locate and operate within the Township. This prohibition shall also include all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana establishment.

**Section 4. Transportation and Other Rights not Affected.** This section shall not limit or supersede any privileges, rights, immunities or defenses of a person to transport marihuana into or through the Township to the extent such right is protected by the Michigan Regulation and Taxation of Marihuana Act or other state laws, nor does it supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act. This ordinance does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

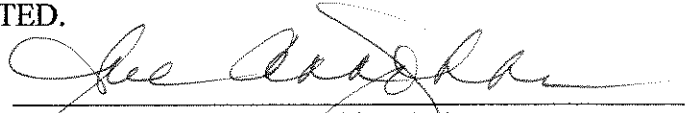
**Section 5. Use or Possession of Marihuana on Township Properties is Prohibited.** No person shall possess, use, be impaired by or distribute marihuana on Township property.”

Part 2. This ordinance shall become effective immediately upon publication of a summary of its provisions in a local newspaper of general circulation in the Township, as provided by law.

AYES: Members: Holub, Flynn, Siska, Johnson and Spitler

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

  
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Sue Ann Johnson, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
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Sue Ann Johnson, Township Clerk