

ORDINANCE NO. 21-04

TOWNSHIP OF TAYMOUTH

SAGINAW COUNTY, MICHIGAN

ADOPTED: December 8, 2021

PUBLICATION DATE: December 15, 2021

EFFECTIVE: January 15, 2022

An ordinance of the Township of Taymouth, Saginaw County, Michigan, to protect the health, safety and general welfare of Taymouth Township through the regulation of Medical Marihuana Caregivers, to provide a name for this Ordinance, to provide a Purpose of this Ordinance, to define terms, to establish a permitting requirement for Medical Marihuana Caregivers operating in the Township of Taymouth, to establish an application procedure and application fee for said license, to establish a procedure for the issuance and renewal of said licenses, to provide for the inspection of licensed premises, to prohibit the transfer of said licenses, to provide the grounds for denial, suspension or revocation of said license, to provide for fire safety requirements of licensed premises, to provide for compliance with other laws, to provide no immunity or indemnification under Federal law, to provide a procedure for conflicts with other laws, to provide for sanctions, to provide that pending proceedings are not affected, to provide for severability, to repeal all Ordinances or parts of Ordinances in conflict herewith, to provide for an Effective Date and to direct the publication of this Ordinance or a legally-permissible summary.

**THE TOWNSHIP OF TAYMOUTH
SAGINAW COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
NAME**

This Ordinance shall be known and cited as the "Taymouth Township Medical Marihuana Caregiver Permit Ordinance."

**SECTION II
PURPOSE**

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of Taymouth Township residents, businesses, proprietors, and property owners, Taymouth Township hereby provides for the regulation and permitting of Medical Marihuana Caregivers operating/acting in the Township under the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, as amended. The services offered through a Medical Marihuana Caregiver are a matter closely affecting the public interest. The public interest requires that Medical Marihuana Caregiver operations be operated properly and in a safe, fair, honest, and competent manner by qualified persons.

SECTION III DEFINITIONS

1. As used in this Ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. All other words used herein shall have the definitions as provided for in the Michigan Medical Marihuana Act (“MMMA”), MCL 333.26423, as amended. Words that are undefined by both this Ordinance and by the MMMA shall be given their plain and ordinary meaning.
 - a. “The Act” or “the MMMA” means the Michigan Medical Marihuana Act, MCL 333.26421, *et seq.*, as amended.
 - b. “Applicant” means an individual or entity who/which applies for a Medical Marihuana Caregiver Permit.
 - c. “Marijuana” means the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 *et seq.*, as is referred to in section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d).
 - d. “Medical use of Marijuana” means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Marijuana or paraphernalia relating to the administration of Marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.*
 - e. “Medical Marihuana Caregiver” means a “caregiver” as defined by the Michigan Medical Marihuana Act, MCL 333.26423, as amended.
 - f. “Medical Marihuana Caregiver Permit” or “Permit” means a permit issued under this Ordinance by the Township Board to a Permittee entitling the Permittee to operate as a Medical Marihuana Caregiver in the Township.
 - g. “this Ordinance” means the Taymouth Township Medical Marihuana Caregiver Permit Ordinance.
 - h. “Permitted Premises” means the location at which the marihuana caregiver plants of the Medical Marihuana Caregiver permitted under this Ordinance are stored and maintained.
 - i. “Permittee” means a person to whom/which a Medical Marihuana Caregiver permit has been issued by the Township Board.
 - j. “Person” means an individual, corporation, company, partnership, or entity.

- k. "Registered primary caregiver" means a registered primary caregiver, as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.
- l. "Registered primary caregiver operation" or "caregiver operation" means a registered primary caregiver in possession of a valid registry identification card is permitted to assist a qualifying patient to whom he or she is connected through the Michigan Department of Community Health's registration process with the medical use of Marijuana in certain industrial and residential districts, subject to the restrictions contained in this Order, the Taymouth Township Zoning Ordinance, as well as other applicable state, Saginaw County, or Township statutes, ordinances, regulations, resolutions, and/or other applicable law.
- m. "Qualifying Patient" means a qualifying patient defined as such in MCL 333.26423 of the Act and who has been issued and possesses a registry identification card under the Act.
- n. "Registry Identification Card: means the document defined as such in MCL 333.26423 of the Act and which is issued by the state of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.
- o. "Enclosed Locked Facility" means a facility defined as such in MCL 333.26423 of the Act where Marijuana plants may be kept under the Act.
- p. "Township" means the Township of Taymouth.
- q. "Township Board" means the Taymouth Township Board of Trustees.

SECTION IV
MEDICAL MARIHUANA CAREGIVER PERMIT REQUIRED

1. No person shall operate or act as a Medical Marihuana Caregiver without having first obtained a permit to so operate/act as provided for in this Ordinance, and without maintaining such permit in current effect during any operation, activity, continuation, or discontinuation. No Permit shall be issued or renewed until the Applicant/Licensee has complied with all Township ordinances and state law and has paid in full all fees and charges required under the Township ordinances and personal property taxes as assessed by the Township.

2. The Township shall adopt and promulgate a Permit Application, which shall be subject to the following regulations:

- a. Requests for a permit shall be made on a form provided by the township.
- b. The caregiver must pay an annual fee to the Township of \$750.00. The Board may adjust this fee from time to time.

- c. No more than one (1) permit shall be issued for any one parcel of property located in Taymouth Township.
- d. Operation without a permit will result in penalties assessed as specified herein. An applicant for a registered primary caregiver permit from the Township shall include, but not be limited to, all of the following:
 - i. The permit application shall include the name and address of the applicant.
 - ii. The address of the property.
 - iii. A current, valid state registration card issued to the primary caregiver.
 - iv. A full description of the nature and types of equipment which will be used in Marijuana cultivation and processing.
 - v. A description of the location at which the use will take place.
 - vi. A complete description of any disciplinary actions taken against the applicant by licensing authorities.
 - vii. A certificate of zoning compliance from the Township Zoning Administrator verifying the property at the identified location is in compliance with the Township zoning ordinance and permitting ordinance.
 - viii. Letters from the township fire department and building department officials verifying that an inspection of the premises was conducted and a determination was made that the structure where the caregiver operation will be conducted complies with the regulations set forth herein and under the Township's Zoning Ordinance.
 - ix. Any other information requested on the Township's permit application or requested by the Township, that the Township determines in its sole discretion is necessary to determine compliance with any applicable Township ordinances.
 - x. Permit applications shall be addressed to and submitted to the Township Clerk by mail or in person.
 - xi. The Township Zoning Administrator may require additional information as may be deemed necessary or appropriate. The Zoning Administrator shall review the Application and associated documents for compliance with this Ordinance, the Taymouth Township Zoning Ordinance, and other applicable Ordinance(s),

regulation(s), resolution(s), and/or statute(s).

- xii. Permits are valid for a one (1)-year period after issuance. All permits issued under this Ordinance must be renewed on an annual basis.
- xiii. Permit issued/conditions. The township is authorized to issue permits for medical Marijuana caregivers and may attach to such permit such conditions as are necessary at its discretion to minimize offensive or objectionable characteristics or to minimize the potential for illegal operations.

3. All persons operating as a Registered Primary Caregiver in the Township shall be subject to the following regulations:

- a. A Primary Caregiver Operation must comply with all applicable state and Township ordinances, regulations, resolutions, and other applicable law, including all applicable provisions of the Township's Zoning Ordinance. The registered primary caregiver facility shall be maintained in compliance with the requirements of the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law, MCL 333.26421, *et seq.*, and the Michigan Department of Community Health's ("MDCH") General Rules adopted under the MMMA. Any violation of any of the aforesaid statutes or regulations shall be grounds for the township to revoke the permit and take any other lawful action. If a permit is revoked, the applicant shall not engage in any marijuana-caregiver activity in the Township and shall not otherwise operate as a Registered Primary Caregiver in the Township unless and until a new permit is granted by the Township to the Applicant. The Township Board of Trustees may, within its sole discretion, deny or revoke a permit on the basis that an Applicant has previously violated the MMMA or MDCH General Rules.
- b. Any structure where the storage of any chemicals, such as herbicides, pesticides, and fertilizers, will occur (or is occurring) shall be subject to inspection and approval by the Township Fire Department (or such other Township representatives as the Township Board may deem appropriate) to ensure compliance with all applicable state, County of Saginaw, and Township statutes, ordinances, regulations, resolutions and other applicable law. The Township Fire Department and the Saginaw County Sheriff's Department (or such other inspecting person/body) shall issue a report to the Township regarding any material issues concerning the specific location of the facility and any impact on the health and safety of Township residents.
- c. The applicant shall obtain written approval from the Township Building Department demonstrating compliance with the Township's Zoning Ordinance to ensure any material issues concerning the specific location of the facility and any impact of the health and safety of Township residents

has been addressed and resolved.

- d. A registered primary caregiver shall show an ownership interest in the property where it is proposing to operate a registered primary caregiver facility. A copy of a deed or valid lease shall be provided. If the property is leased, applicant shall provide a statement from the owner/landlord that allows medical Marijuana cultivation by the applicant/tenant.
- e. No person other than the registered primary caregiver shall be engaged or involved in the registered primary caregiver operation, except to the extent that the registered primary caregiver lawfully transfers medical Marijuana to a qualifying patient to whom the registered primary caregiver is linked through the registration system.
- f. No person acting as a Medical-Marihuana Caregiver shall grow or otherwise cultivate any Marihuana unless said growing/cultivation is entirely performed in an enclosed, locked facility.
- g. The location/facility at which any Marihuana is grown or otherwise cultivated by a Medical-Marihuana Caregiver shall be equipped with an industry-standard air-filtration system, such as a carbon air-filtration system, or such other similar air-filtration system so as to ensure that no noxious odors are emitted from the location/facility.
- h. No Medical-Marihuana Caregiver activity of any sort or nature, including the growing and/or cultivation of any Marihuana shall occur on a parcel of property in Taymouth Township unless a dwelling at which at least one person permanently resides is also located on the aforesaid parcel.
- i. Exceptions. This ordinance shall not be deemed to prohibit or restrict or require registration for the following:
 - i. The cultivation, storage, and/or use of Marijuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
 - ii. The provision of assistance to a qualifying patient by his/her designated registered primary caregiver relating to medical Marijuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
- j. Information treated as confidential under the MMMA, including the registered primary caregiver registry identification card and any

information about qualifying patients associated with the registered primary caregiver, which is received by the township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act, unless otherwise required by law.

SECTION V
APPLICATION FOR MEDICAL MARIHUANA CAREGIVER PERMIT AND
APPLICATION FEE

Any person desiring a Permit to act/operate as a Medical Marihuana Caregiver in the Township shall pay an annual application fee in the amount of \$750.00 to the Township. Then, after paying the Permit/application fee, the Applicant shall file an application for a Medical Marihuana Caregiver License with the Township. The application shall be in a form provided or prescribed by the Township Board and shall require all information required herein, and such additional information to be provided under oath or affirmation as the Township Board deems necessary to a fair determination of the Applicant's ability to provide Medical Marihuana Caregiving to the public in a safe, fair, honest and competent manner and to comply with the provisions of this Ordinance and other applicable Federal, State and local laws, statutes, ordinances, rules and regulations. No person shall make any false statement or representation in connection with any application for a license under this Ordinance. The Applicant may also be required to furnish such other information under oath as the Township Board may deem necessary. No Medical Marihuana Caregiver License shall be provided by the Township unless the application fee described in this Section has been tendered to the Township.

SECTION VI
ISSUANCE OF PERMIT

If, after investigation, the Township is satisfied that the Applicant has complied with the requirements of this Ordinance and all other applicable laws, statutes, ordinances, rules and regulations, and if the proper fee has been paid to the Township of Taymouth, the Township shall issue a Medical Marihuana Caregiver license. The Zoning Administrator shall conduct an administrative review of the permit and then provide a recommendation to the Township Planning Commission as to whether the Permit should be approved or denied. Following receipt of the Zoning Administrator's recommendation, the Township Planning Commission shall hold a public hearing on the Application. At the conclusion of its Public Hearing, the Township Planning Commission shall issue a recommendation to the Township Board as to whether the Permit should be approved or denied. Following receipt of the Planning Commission's recommendation, the Township Board shall hold a Public Hearing on the Application. At the conclusion of its Public Hearing, the Township Board shall vote to approve, approve with conditions, revoke, deny, or table the Application. The decision of the Township Board shall be final and conclusive. Any Permit issued under this Ordinance shall be prominently and conspicuously displayed at the Licensed Premises and shall be presented to any Township Official or Agent upon request for review or inspection of said Permit.

SECTION VII
RENEWAL OF PERMIT

Every Permit issued under this Ordinance shall expire and become ineffective at the conclusion of the 365th day from the date the permit was issued. A Permittee who desires to continue operating as a Medical Marihuana Caregiver in the Township shall apply for a renewal of the Medical Marihuana Caregiver Permit at least 30 days prior to the expiration of the Permit, using the same procedure described herein to obtain an initial Permit. The fee for an Application to renew a Medical Marihuana Caregiver Permit shall be \$750.00 and said fee shall be tendered to the Township before an application to renew a Medical Marihuana Caregiver Permit will be considered.

If, after investigation, the Township Board is reasonably satisfied that the Permittee has complied with the requirements of this Ordinance and all other applicable laws, statutes, ordinances, rules and regulations, and if the proper fee has been paid to the Township of Taymouth, the Township Board shall issue a renewed Medical Marihuana Caregiver license. No Medical Marihuana Caregiver License shall be provided by the Township unless the renewal application fee described in this Section has been tendered to the Township. Any Renewed License issued under this Ordinance shall be prominently and conspicuously displayed at the Licensed Premises and shall be presented to any Township Official or Agent upon request for review or inspection of said License.

SECTION VIII
GROUND FOR DENIAL, SUSPENSION OR REVOCATION OF MEDICAL MARIHUANA CAREGIVER LICENSE

Any violation of this Ordinance, any other Taymouth Township Ordinance, and/or of the laws or regulations of the State of Michigan relating to Medical Marihuana or the actions/operation of a Medical Marihuana Caregiver may be considered sufficient grounds for the denial of a license or the suspension or revocation of a license issued pursuant to the provisions of this Ordinance. These grounds for denial, suspension or revocation of a license provided for in this Ordinance shall be in addition to other grounds for denial, suspension or revocation of licenses or permits provided for pursuant to any State of Michigan statutes or regulations relating to a medical marihuana operation or business.

SECTION IX
TRANSFER STRICTLY PROHIBITED

No Medical Marihuana Caregiver Permit may be sold, assigned, alienated, mortgaged, or otherwise transferred in any way by any Medical Marihuana Caregiver Permittee to any other person or entity.

SECTION X
INSPECTION OF PREMISES

In accepting a Medical Marihuana Caregiver permit or renewed permit from the Taymouth Township Board, a permittee consents to a search of the Permitted premises during reasonable hours by the Taymouth Township Supervisor, the Taymouth Township Zoning

Administrator, or such other person designated by the Taymouth Township Board to ascertain the degree of compliance with this Ordinance, other Taymouth Township Ordinances and/or State of Michigan law or regulations relating to Medical Marihuana or a Medical Marihuana Caregiver. Advance notice of a requested inspection of a permitted premise will be provided to a Permittee where reasonably possible.

SECTION XI
LOCATION OF LICENSED PREMISES

Medical Marihuana Caregiver actions/activities shall only be permitted in the Township in properties zoned as PA—Primary Agriculture.

SECTION XII
FIRE SAFETY REQUIREMENTS

Medical Marihuana Caregiver Permitted Premises located in Taymouth Township are required to install and maintain single-station or multiple-station smoke alarms at the Permitted Premises. Medical Marihuana Caregiver Permitted Premises are further required to contain at least one fire extinguisher that is properly selected, installed, and maintained in a conspicuous and unobstructed location(s) in the Permitted Premises.

SECTION XIII
COMPLIANCE WITH OTHER LAWS

All persons holding a permit issued pursuant to the provisions of this Ordinance shall comply with all applicable Federal, State and local laws, statutes, ordinances, rules and regulations. Failure to comply with any of the aforesaid laws, statutes, ordinances, rules or regulations is considered sufficient grounds for the denial of a permit or the suspension or revocation of a permit issued pursuant to the provisions of this Ordinance.

SECTION XIV
NO IMMUNITY OR INDEMNIFICATION FROM FEDERAL LAW

A Medical Marihuana Caregiver in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423 (as amended), all other applicable state statutes and regulations and the requirements of this Ordinance, shall be allowed to act/operate as a Medical Marihuana Caregiver. Nothing in this Ordinance, or in any companion regulatory provision adopted in any other provision of any other Taymouth Township Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with any of the aforesaid statutes, regulations or ordinances. Also, since Federal law is not affected by any of the aforesaid statutes, regulations or ordinances, nothing in this Ordinance, or in any companion regulatory provision adopted in any other provision of any other Taymouth Township Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal

Controlled Substances Act.

SECTION XV
CONFLICTS WITH OTHER LAWS OR REGULATIONS

If any provision of this Ordinance differs from a provision of any other applicable law, ordinance, rule or regulation, both the provision of this Ordinance and the differing provision shall apply if possible. If the two (2) provisions are in conflict, then the provision establishing the higher or stricter standard shall apply.

SECTION XVI
SANCTIONS

Any person who/which violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and fined in accordance with the following schedule:

	Minimum	Maximum
	Fine	Fine
--- 1st offense within 3 year period*	\$ 75.00	\$500.00
--- 2nd offense within 3year period*	\$ 150.00	\$500.00
--- 3rd offense within 3year period*	\$ 325.00	\$500.00
--- 4th offense within 3year period*	\$ 500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Taymouth Township has incurred in connection with the municipal civil infraction, including the actual attorney's fees incurred by Taymouth Township in prosecuting the municipal civil infraction. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

SECTION XVII
PENDING PROCEEDINGS NOT AFFECTED.

Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section XII of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION XVIII
SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid. The Taymouth Township Board of

Trustees hereby declares that it would have enacted this Ordinance even without whatever provision may be declared invalid by a court of competent jurisdiction.

SECTION XIX
REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XX
EFFECTIVE DATE

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect 30 days following publication as required by law following adoption by the Township Board.

SECTION XXI
TOWNSHIP PUBLICATION

The Township Clerk is hereby ordered and directed to cause this Ordinance to be published, either in full or in the form of a legally-permitted summary, in a newspaper of general circulation within Taymouth Township.

This ORDINANCE was offered by Board member Fent, supported by Board member Dodak at a meeting on December 8, 2021. The members of the Township Board voted as follows:

YEAS: Fent, Bosley, Dodak, Shappee

NAYS: None

ABSTAIN: None

******The Signatures of the Township Supervisor and Township Clerk and the Certification of the Township Clerk are contained on the following page******

******The balance of this page is intentionally left blank******

This Ordinance is hereby declared to have been adopted by the Taymouth Township Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on the 8th day of December 2021 and ordered to be given publication in the manner prescribed by law.


DENNIS FENT, Supervisor


NADINE BOSLEY, Clerk

Date of Publication: December 15, 2021

Newspaper: Birch Run/Bridgeport Herald

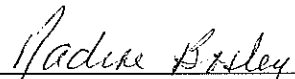
CERTIFICATION

ADOPTED

State of Michigan, County of Saginaw,

I the undersigned Township Clerk for the Township of Taymouth, Saginaw County, Michigan, certify that the above Ordinance No. 21-04 adopted by the Township Board of Trustees of the Township on the 8th day of December 2021, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: December 8, 2021


NADINE BOSLEY, Clerk

*****The balance of this page is intentionally left blank*****