

RECREATIONAL MARIJUANA in CLT

Up-Dated Dec 20, 2019

Confused with what is going on with Crystal Lake's votes on allowing recreational marijuana within the township? As best as we can explain this complicated issue and our process for making this decision, here is what we know:

1. In the Nov. 2018 State of Michigan referendum, recreational marijuana became legal in Michigan; breaking down the vote at the local level, our township electorate voted in favor of legalization by a 52 vote majority (380-328, or 54%-46%). As a result of this statewide vote, all townships were then automatically "in" *unless* they took some action to opt out of having marijuana establishments within their jurisdictions.
2. The CLT Board considered just such a motion to prohibit recreational marijuana establishments and the motion failed, 3-2. Subsequently a group of CLT constituents unhappy with this board action forced the issue to the ballot via petition. With considerable legal consultation, an election was held on Aug. 6 in which voters decided by 38 vote majority (145-107, or 57.5% -42.5%) that marijuana establishments should be prohibited.
3. Several citizens stepped forward and pointed out that such a vote, as took place in CLT on August 6 (and was also planned for November in Benzonia Township) was illegal per original legislative wording, namely that any such voting on recreational marijuana was required to take place at a "regular" election. This meant, by some definitions, it had to be an election in which a candidate also appeared on the ballot. There was no candidate on our Aug 5 CLT ballot, only the question of allowing marijuana establishments. Subsequent consultations with the State of Michigan, the Michigan Township Association (MTA) and the law firm retained by CLT then confirmed that the concerned citizens may be correct. *[add to this last sentence]* since the terminology in the citizen-initiated state referendum differed from existing election laws and neither the state executive nor legislative agencies can resolve the issue of legality in this situation.
4. For a second time, at its September 10 meeting, a motion was brought before the CLT Board to adopt an ordinance prohibiting recreational marijuana establishments. The reasoning behind the motion was that such a prohibition would reflect the vote count of (the now considered invalidated) August 5 and thus avoid the expenditure in time/energy/cost of another vote in the future. The motion failed 3-2.
5. Another vote of our electorate on this same question is currently scheduled for March 10, 2020, the same date as the Michigan primary, since it is the first election which will have candidates on the ballot. If the electorate again votes to prohibit recreational marijuana establishments in Crystal Lake Township, that ordinance will be forwarded to MRA-ENFORCEMENT@michigan.gov and CLT will be added to a list of municipalities that have already opted out and Michigan's Department of Licensing and Regulatory Affairs/Marijuana Regulatory Agency (LARA/MRA) will be informed of that fact (www.michigan.gov/documents/lara).
6. Meanwhile, in these months before the planned CLT March vote and in the event that the electorate votes against prohibition in March, the State of Michigan is proceeding on its own schedule. If it sees no ordinance to prohibit recreation marijuana establishments in Crystal Lake Township, it will consider such establishments legal but for proper State licensing procedures. LARA/MRA started taking applications as of November 1 and anticipates it will take up to 90 days to approve license applications. All State laws shall apply in such licensing processes, requiring minimum standards such as only adult clientele, a microbusiness located in areas with either industrial or agricultural zoning at least 1000 feet away from schools, and not in residential areas.
7. Last but not least, note that under both the Medical Marijuana and Recreational Marijuana laws growers just locate in areas zoned agricultural or industrial uses or un-zoned areas of which CLT has none, perhaps rendering all this decision-making moot. However, at the time of this printing, it is uncertain if a retail or "storefront" shop could go in any of CLT's commercially-zoned parcels, of which CLT has several.

The proposed language for the March 10, 2020 ballot is:

Crystal Lake Township Proposal 20-1

A proposed initiated ordinance to prohibit all marihuana establishments within Crystal Lake Township.

This ordinance would:

- Prohibit all marihuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act within Crystal Lake Township
- Establish penalties for violations of the ordinance.

Should this ordinance be adopted?

() Yes

() No