

RECREATIONAL MARIJUANA in CLT

Dated Nov 13, 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.

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 5, 2020, the same date as the Michigan primary. Although we have fielded questions about the legality of that vote as well, at this time we have no official ruling whether the referendum will legally appear on that ballot. At the same time, nor do we have any ruling whether the referendum appearing at the time would be *illegal*. The state Elections Bureau, Michigan Townships Association and our lawyers all give us either differing interpretations or decline to interpret for us at all.

6. *If* the March vote on the question of allowing marijuana establishments in the township takes place as currently scheduled, *if* there are no legal challenges to the election, and *if* the CLT electorate votes to prohibit recreation marijuana establishments, that decision would behoove the Board to immediately thereafter pass an ordinance reflecting the voters' wishes to prohibit; the decision cannot be by resolution or simple vote. The Board's ordinance would next be forwarded by email to MRA-ENFORCEMENT@michigan.gov and CLT would be added to a list of municipalities that have already opted out and in turn informed Michigan's Department of

Licensing and Regulatory Affairs/Marijuana Regulatory Agency (LARA/MRA) of that fact (www.michigan.gov/documents/lara).

7. Meanwhile, in these four months before the planned CLT March vote, the State of Michigan is proceeding on its own schedule. If it sees no ordinance to prohibit recreational marijuana establishments in Crystal Lake Township, it considers such establishments legal but for proper State licensing procedures. LARA/MRA started taking applications as of November 1 and anticipates 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.

8. Townships were asked to decide their stand on this issue and report it to the State, by November 1. (They even allowed a “late” window after that where if an ordinance were put in place by mid- or late November, so that an ordinance would still be effective). However, without such an ordinance, it is unclear where applicants to LARA/MRA would stand if granted a license by the State post-December 1, 2019. In this theoretical scenario, would an applicant be granted a state license for a marijuana establishment in Crystal Lake Township if they received the license when there was no CLT ordinance prohibiting such establishments in place? The answer to this question, as best as we can ascertain, is affirmative; any applications received by the agency where no local government opt-out notification has been received by 12/01/2019 will be approved by the state as long as all licensing criteria is met.

9. Last but not least, note that under both MMFLA and MRTMA laws growers must 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.