

**TOWNSHIP OF KOCHVILLE,  
SAGINAW COUNTY, MICHIGAN**

**RESOLUTION REGARDING “OPT OUT” OF MEDICAL-MARIHUANA FACILITIES  
AUTHORIZED BY PA 281 OF 2016**

**RESOLUTION NO. 18-18  
DATED: OCTOBER 15, 2018**

At a regular meeting of the Kochville Township Board of Trustees held at the Kochville Veterans Hall, 3265 Kochville Rd, Saginaw, MI 48604 on the 15<sup>th</sup> day of October 2018, at 7:00 o'clock p.m., Michigan Time.

PRESENT: Supervisor Loiacano, Clerk Machata, Treasurer Knowlton, Trustee Ferrell and Trustee Thon

ABSENT: None

**WHEREAS**, Public Act 281 of 2016 (MCL 333.27101 et. seq.), the Medical Marihuana Facilities Licensing Act, authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

**WHEREAS**, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that the State of Michigan Medical Marihuana Licensing Board created under MCL 333.27301 “shall not issue a state operating license to an applicant unless the municipality in which the applicant's proposed marihuana facility will operate has adopted an ordinance that authorizes that type of facility”; and

**WHEREAS**, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...”; and

**WHEREAS**, Section 205 of PA 281 of 2016 requires a municipality that adopts an ordinance under that subsection that authorizes a marihuana facility, to provide the information contemplated in MCL 333.27205(1)(a)-(d) to the Department of Licensing and Regulatory Affairs, on a form prescribed and provided by the department; and

**WHEREAS**, the Township Board of Kochville Township, Saginaw County, Michigan, is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical-marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

**NOW THEREFORE IT IS HEREBY RESOLVED AS FOLLOWS:**

1. Kochville Township, Saginaw County, Michigan, (“the Township”) declines to adopt an ordinance authorizing any of the five types of medical-marihuana facilities within the Township authorized by PA 281 of 2016; and

2. As a result of the Township’s declination to adopt an ordinance authorizing any of the five types of medical-marihuana facilities authorized by PA 281 of 2016, a **“marihuana facility shall not operate in the Township”**; and

3. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Department of Licensing and Regulatory Affairs and the Medical Marihuana Licensing Board in response to a request to locate a medical-marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and

4. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical-marihuana grower, processor, secure transporter, provisioning center or safety-compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are hereby repealed; and

6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by majority vote of the full five-member Township Board of Kochville Township.

This RESOLUTION was offered by Board member Supervisor Loiacano, supported by Board member Treasurer Knowlton at a meeting on October 15<sup>th</sup>, 2018. The members of the Township Board voted as follows:


“Aye” – Supervisor Loiacano, Clerk Machata, Treasurer Knowlton, Trustee Ferrell and Trustee Thon

“Nay” – None

“Abstained” - None

“Absent” - None

The foregoing Resolution was duly adopted at a regular meeting of Kochville Township Board held on the Fifteenth day of October, 2018



James Loiacano

Supervisor of Kochville Township



Kevin Machata

Clerk of Kochville Township

## CERTIFICATION

I, Kevin Machata, Clerk of Kochville Township, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Kochville Township Board held on October 15<sup>th</sup>, 2018 ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.



Kevin Machata, Clerk  
Township of Kochville  
Saginaw County, Michigan