

**TOWNSHIP OF OVID  
COUNTY OF BRANCH, STATE OF MICHIGAN  
ORDINANCE NO. 29  
ADOPTED: DECEMBER 14, 2020  
EFFECTIVE: JANUARY 19, 2021**

A qualified petition having been filed with Ovid Township pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act, to submit to the electors of Ovid Township the initiation of an ordinance to provide for a specific number of adult use marihuana facilities to be operated in Ovid Township, and said initiative having been approved by the electors of Ovid Township at the general election conducted on November 3, 2020, resulting in 790 yea votes and 657 nay votes, and which said results were certified and confirmed by the Branch County Board of Canvassers on November 17, 2020,

**THE TOWNSHIP OF OVID  
BRANCH COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
TITLE**

This ordinance shall be known and may be cited as the "Township of Ovid Adult-Use Marihuana Establishments Ordinance".

**SECTION II  
PURPOSE**

The purpose of this ordinance is to provide for a number of marihuana establishments within the Township of Ovid pursuant to section 6 of the Michigan Regulation and Taxation of Marihuana Act, including provision for the incidental licensing fees, application criteria, and operational regulations inherent and appropriate to making adequate preparations for operation of such establishments and ensure safe and legal adult access to marihuana in the Township of Ovid. The provisions of this Ordinance are regulatory in nature and not intended to be interpreted as zoning laws. This Ordinance is hereby declared necessary to preserve the public peace, health, safety and welfare of the People of the City.

**SECTION III  
REPEAL**

By providing for the operation of adult use establishments in the Township, this initiated ordinance supersedes, repeals, and replaces all parts of Township Ordinance 28, known as the "Ovid Township Prohibition of Marihuana Establishments Ordinance, adopted February 11, 2019, which prohibited Adult Use marihuana establishments within the boundaries of Ovid, and this ordinance further supersedes and repeals all ordinances or parts of ordinances in conflict with this initiated ordinance.

**SECTION IV  
NUMBER OF AUTHORIZED MARIHUANA RETAIL ESTABLISHMENTS**

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, the Township of Ovid authorizes two marihuana retail establishments.

**SECTION V**  
**APPLICATION FOR MARIHUANA RETAIL ESTABLISHMENTS**

After the effective date of this ordinance, any applicant that has applied to the state of Michigan for an adult use establishment license may deliver a completed application for a Ovid Township adult use marihuana establishment license, including payment of a \$5,000.00 application fee and under further license and application criteria as may be adopted by the Township. The application shall contain all of the following to be deemed complete:

- a. the name and address of the proposed retail marihuana establishment;
- b. the number of the state MRA application, license, or prequalification for the applicant including the names and addresses of any supplemental applicants thereto;
- c. the physical address of the proposed retail marihuana establishment;
- d. a location area map that shows the proposed marihuana retail establishment is not within 500 feet door-to-door of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
- e. a sworn statement from the applicant that demonstrates the Applicant's intentions for re-developing vacant, blighted, underutilized, and abandoned property through investments in the proposed establishment location.

**SECTION VI**  
**TOWNSHIP APPROVAL OF APPLICATIONS FOR MARIHUANA ESTABLISHMENT LICENSE**

The clerk shall receive complete applications, and unless the Township Board of Ovid Township has enacted, within 60 days of an application, a process specifically setting selection criteria and enabling applicants to promptly obtain and renew township marihuana establishment licenses and permits, the clerk shall summarily approve the complete applications in the order they in which they were received, and issue provisional licenses for those applicants, subject to state license approval of proposed marihuana retail establishments.

**SECTION VII**  
**RENEWAL OF MARIHUANA ESTABLISHMENT LICENSE**

Township Marihuana Establishment Licenses shall be automatically renewable upon payment of an annual \$5,000 regulatory fee, subject to the renewal of the licensee's annual state license according to the process in place for medical marihuana facilities. Any operation of adult use marihuana establishment shall be subject to, and authorized by, the zoning classifications and regulatory conditions of the existing licensure and permits of other retail businesses in the township.

**SECTION VIII**  
**POLICE POWERS OF TOWNSHIP**

The Township Board of Ovid Township may adopt related local licensing, police power and zoning regulations that are not unreasonably impracticable, as defined by the Michigan Regulation and Taxation of Marihuana Act, and which do not conflict with the Michigan Regulation and Taxation of Marihuana Act or with any rule promulgated pursuant thereto.

**SECTION IX**  
**AUTHORIZATION TO OPERATE MARIHUANA ESTABLISHMENT**

Except as provided by this subsection, a marihuana establishment with a physical location within the municipality is required to obtain a municipal license. If the Township Board of Ovid Township has failed to enact police power and zoning ordinances specifically enabling applicants to promptly obtain and renew township marihuana establishment licenses and permits by the day it receives notice of submission of a state adult use establishment application by an

applicant, then unless it would cause the limits provided in this ordinance to be exceeded, the municipal clerk shall immediately execute and deliver any attestation or confirmation of municipal compliance or other license documentation on request by any applicant or agent of the state Marihuana Regulatory Agency (MRA), and under no circumstances shall the municipality notify the Department of Licensing And Regulatory Affairs that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of the act and in effect at the time of application, and further if the Township Board of Ovid Township has failed to enact such enabling ordinances by the time such applicant otherwise meets the criteria for a state license to operate an adult use marihuana establishment, such establishment shall be deemed authorized to operate in the municipality in accordance with state laws and regulations, without any municipal permit or license, except such retail activities may not be allowed within an area zoned exclusively for residential use or within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

**SECTION X**  
**DEFINITIONS**

The following definitions apply to this ordinance:

- a. All definitions provided in Section 3 of the Michigan Regulation and Taxation of Marihuana Act are incorporated by reference into this ordinance, except as otherwise provided herein,
- b. The term "marihuana" is synonymous with "marihuana."
- c. The term "provide" includes making adequate preparations for operation of the number of establishments allowed in the municipality by setting regulatory fees, regulations, and application criteria.

**SECTION XI**  
**SEVERABILITY**

The various parts, sections and clauses of this initiated ordinance are hereby declared to be severable and self-executing. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the initiated ordinance shall not be affected thereby.

**SECTION XII**  
**EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Ovid Township.

**ORDINANCE DECLARED ADOPTED.**

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Amy Havasy, Clerk  
Ovid Township  
381 South Angola Road  
Coldwater, MI 49036