

STATE OF MICHIGAN  
IN THE EIGHTEENTH CIRCUIT COURT FOR THE COUNTY OF BAY

FRASER TOWNSHIP,

Plaintiff,

v.

Case No. 16-3272-CH  
Honorable Joseph K. Sheeran

HARVEY HANEY,

Defendant.

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**FINAL JUDGMENT DISMISSING CASE**

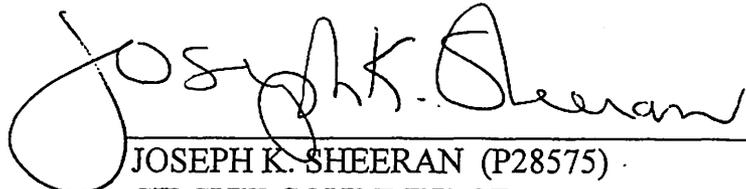
This matter comes before the Court on remand from the Michigan Court of Appeals. The Court of Appeals further held that Defendant Haney met his burden of proving that he is engaged in the “commercial production of a farm product” and therefore satisfies the first prong of the *James Twp v Rice*, 509 Mich 363; 984 NW2D 71 (2022) test. It further instructed this Court on remand to determine, on the existing trial record, whether Defendant’s farm operation conforms to the applicable Generally Accepted Agricultural and Management Practices (GAAMPs). At oral argument before the Michigan Court of Appeals, Fraser Township expressly conceded the only GAAMP at issue is the Site Selection and Odor Control for New and Expanding Livestock Production Facilities GAAMP (Siting GAAMP).

Based on the trial record, the Court finds evidence at trial established that Defendant Haney’s piggery has significantly fewer than 50 animal units, fewer than 50 pigs, and has never been proposed as a new or expanding facility since before 1999. Under the plain terms of the GAAMP, such operations are not subject to Siting GAAMP requirements and are deemed compliant. Because both components of *Rice* are satisfied, Defendant Haney’s piggery is protected by the Right to Farm Act.

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

1. Fraser Township is preempted from “enacting, maintaining, or enforcing” its zoning ordinance against Defendant’s piggery under MCL 286.474(6);
2. The Township’s Complaint and all claims against Defendant Harvey Haney are dismissed with prejudice;
3. The Court declares Defendant’s piggery is a protected “farm” and “farm operation” under the Michigan Right to Farm Act, MCL 286.471 *et seq.*, and the operation is in conformity with all applicable GAAMPs;
4. Defendant is the prevailing party for purposes of MCL 286.473b and may recover actual and reasonable attorney fees, expenses, and costs incurred in defending this action; and
5. Pursuant to MCL 286.473b and MCR 2.625, Defendant shall file a verified bill of costs within 45 days, and the Township may file any permissible objections.

Date: December 19, 2025

  
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JOSEPH K. SHEERAN (P28575)  
CIRCUIT COURT JUDGE

cc: Mark Brissette, attorney for Plaintiff, 703 Washington Ave, Ste 200, Bay City, MI 48708  
Philip Ellison, attorney for Defendant, PO Box 107, Hemlock, MI 48626