

Resolution: Establishment of 180 day Moratorium on Cultivation, Sale, Storage and Disbursement of Medical Marijuana

Whereas, in 2008, as a result of a referendum issue that was approved by the Voters at a November General Election, the Legislators of the State of Michigan enacted a law legalizing the use and dispensing of medical marijuana known as the Michigan Medical Marijuana Act, and the use of medical marijuana for a debilitating medical condition is presently governed in Michigan pursuant to the Michigan Medical Marijuana Act, MCL 333.26423, and rules promulgated by the Michigan Department of Community Health in accordance with MCL 333.26425; and

Whereas, the cultivation, sale, storage or dispensation of medical marijuana was not envisioned when the current Zoning Ordinance was adopted and the Zoning Ordinance does not currently address the use; and

Whereas, the question of whether and how local units of government are required to provide for zoning and other regulation relating to the dispensing, sale, storage or distribution of marijuana remains an issue of discussion and debate,

Whereas, the Township is desirous of providing for an informed deliberative process in order to determine the issue of whether, within the Township, cultivation, storage, dispensing and distribution, if any, should occur, and whether other regulatory controls should be implemented, and is desirous of further review of the issues; and pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, as amended, and the Home Rule City Act, 1909 P.A. 279, as amended, the Township has the authority to establish reasonable regulations to control the sale and dispensation of medical marijuana in order to protect the public health, safety and welfare and in a manner consistent with the Michigan Medical Marijuana Act, and

Whereas, the Township Board determines that it is desirable to immediately forbid the issuance of permits and licenses, as otherwise provided, for land uses associated with the cultivation, sale, storage or dispensation of medical marijuana until an amendment to the Zoning Ordinance becomes effective; and

Now, therefore be it resolved, that a 180 day moratorium is established on the issuance of all Township permits, licenses, and approvals, including land use permits and certificates of occupancy, in regard to land uses associated with the cultivation, sale, storage or dispensation of medical marijuana, for one hundred eighty (180) days from the effective date hereof, or the effective date of the adoption of proper text amendments to the Zoning Ordinance and any necessary licensing requirements, whichever occurs first.

At a regular meeting of the Gerrish Township Board on March 8, 2011, motion made by _____, with support by _____, to adopt the foregoing Ordinance 2011-03-08-02.

The foregoing resolution offered by Board Member _____ and supported by Board Member _____.

Upon roll call vote, the following voted "Aye:" "Nay:"

The Supervisor declared the resolution adopted.

Clerk

I, _____, the duly elected and acting Clerk of _____ Township, hereby certify that the foregoing resolution was adopted by the township board of said township at the regular meeting of said board held on _____, 20____, at which meeting a quorum was present by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

Clerk

Jodi Valentino
Township Clerk

