

ORDINANCE NO. 31

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES OR APPROVALS FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA AND THE ESTABLISHMENT OF ANY BUSINESS, COMMERCIAL OR RETAIL OPERATION, COMPASSION CENTER, DISPENSARY, COLLECTIVE, COOPERATIVE, CLINIC OR ANY SIMILAR USE, WHERE THE PURPOSE IS THE DISPENSATION OF MEDICAL MARIHUANA, WITHIN THE TOWNSHIP OF MUSSEY.

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1. FINDINGS:

In accordance with Act No. 33 of the Public Acts of 2008 and Act No. 110 of the Public Acts of 2006, as amended, the Township of Mussey has determined that:

1. On November 8, 2008, Michigan Proposal 08-1 "A Legislative Initiative to Permit the Use and Cultivation of Marihuana for Specified Medical Conditions" passed in the State of Michigan. On December 4, 2008 the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26423(d) (the "Act") became effective.
2. It is within the rights of the Township of Mussey to establish reasonable regulations to control the sale and dispensation of medical marihuana. The Township desires to ascertain the best and safest path to compliance with the Act.
3. The provisions within the Code of Ordinances and Zoning Ordinance have not been amended to include business licensing requirements and/or land use regulations for the Act.
4. The Act is silent on any form of a commercial or retail use for the purpose of dispensing medical marihuana and on where a registered patient or registered caregiver can obtain medical marihuana. Allowing these types of uses prior to amending the Zoning Ordinance is contrary to the Township of Mussey Master Plan, adopted May 27, 1997, and as amended.
5. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for the review and adoption of the necessary amendment(s) to the Code of Ordinances and/or Zoning Ordinance.

SECTION 2. MORATORIUM:

1. A moratorium shall be imposed upon the issuance of permits, licenses or approvals for the sale or dispensation of medical marihuana and on the establishment of any business, commercial or retail operation, compassion center, dispensary, collective, cooperative, clinic or any similar use, where the purpose is for the dispensation of medical marihuana, within the Township of Mussey for twelve (12) months from the effective date of this ordinance, or until an adoption of an amendment(s) of the Code of Ordinances, Zoning Ordinance and any other applicable codes, whichever occurs first.
2. The Township Board and Planning Commission of the Township of Mussey during the moratorium period shall investigate potential modifications to the Code of Ordinances and/or Zoning Ordinance that may establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health, safety, and welfare, and comply with the Act.
3. The Township of Mussey may, prior to the expiration of the twelve (12) month moratorium, extend the moratorium for an additional six (6) months to allow sufficient time to complete an amendment(s) to the ordinance(s).

SECTION 3. SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

SECTION 4. REPEAL:

All Ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE:

This Ordinance has been deemed an emergency ordinance and shall become effective upon adoption.

SECTION 6. INSPECTION OF ORDINANCE:

A copy of this Ordinance may be inspected or purchased at the Township Hall, 135 N. Main St., Capac, Michigan 48014, during regular posted office hours.

SHEILA MCDONALD, CLERK
Township of Mussey

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 31, duly adopted by the Township Board of the Township of Mussey, St. Clair County, Michigan, at a regular meeting held on the 9th day of February 2011, at which all members were present except Bruce Downey, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Linda Kniseley moved for adoption of said Ordinance and that Member Connie Kain supported said Motion.

I further certify that the following Members voted for adoption of said Ordinance: Mike Lauwers, Sheila McDonald, Connie Kain, AND Linda Kniseley, and that the following Members voted against adoption of said Ordinance: none.

I further certify that the following events and dates occurred in the adoption of this Ordinance.

DATE ADOPTED: February 9, 2011

DATE PUBLISHED AFTER ADOPTION: February 16, 2011

EFFECTIVE DATE: February 9, 2011