

GARFIELD TOWNSHIP

ORDINANCE NO. 18

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS,
LICENSES, AND APPROVALS FOR THE SALE OR DISPENSATION OF MEDICAL
MARIJUANA**

An Ordinance to protect the public health, safety, and welfare by establishing regulations relating to a moratorium on issuing permits, licenses, or approvals for selling or dispensing medical marijuana in the Township; and to repeal all ordinances or parts of ordinances that conflict with this Ordinance.

GARFIELD TOWNSHIP ORDAINS:

Section 1. Findings.

In accordance with the Township Ordinance Act, 246 PA 1945, as amended (the "Act"), Garfield Township (the "Township") has determined as follows:

1. When the Township adopted its current Zoning Ordinance, the Initiated Law 1 of 2008 (called the Michigan Medical Marijuana Act) was not contemplated.
2. Pursuant to the Michigan Zoning Enabling Act, 2006 PA 110 and the Act, 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.
3. The Township is considering the most appropriate way to address the Michigan Medical Marijuana Act to protect the public health, safety, and welfare of Township residents, including whether to address such regulation by a zoning regulation as part of its Zoning Ordinance update that the Township began some months ago.
4. Imposing a moratorium, on a limited and temporary basis, is reasonable and necessary in order to allow the Township time to review potential amendments to its ordinances.
5. A moratorium should be imposed upon the issuance of all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township ordinances for the sale and dispensation of medical marijuana for 6 months or until the Township adopts an amendment to the Township's ordinances, whichever occurs first.

Section 2. Moratorium.

A moratorium is imposed upon the issuance of all permits, licenses, or approvals for any property subject to or under the jurisdiction of the Township's ordinances for the sale or dispensation of medical marijuana for the term set out on Section 3 below.

Section 3. Term of Moratorium.

The moratorium imposed by this Ordinance remains in effect for 6 months or until the Township completes its Zoning Ordinance review and update and that updated Ordinance becomes effective, whichever occurs first. Before the moratorium expires, the Township may, by resolution, extend the moratorium as appropriate to allow sufficient time to complete amendments to its ordinances. If such an extension is adopted, then the Township will publish a notice of extension in a newspaper of general circulation following adoption of that resolution.

Section 4. Publication.

The Township Clerk must publish this Ordinance in the manner prescribed by law.

Section 5. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, that does not invalidate the remaining parts of this Ordinance.

Section 6. Repealer Clause.

Any ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7. Effective Date.

This ordinance becomes effective immediately upon publication.

At a special meeting of the Township Board held on the 25th day of July, 2011, it was moved by Kimberly Day and supported by Brad Dubay that this Ordinance No. 18 be introduced and adopted.

YEAS: 5

NAYS: 0

I, Township Clerk and Township Supervisor, certify that this is a true and complete copy of Ordinance No. 18, duly adopted at a special meeting of the Garfield Township Board of Trustees on the 25th day of July, 2011.

Kimberly Day, Clerk

James Dubay, Supervisor