

EXTENDED UNTIL JANUARY 31, 2013

FRUITLAND TOWNSHIP MUSKEGON COUNTY, MICHIGAN ORDINANCE NO. 104

At a regular meeting of the Township Board for Fruitland Township held at the Township offices on January 19, 2011, beginning at 7:00 PM, the following Ordinance was offered for adoption by Township Board Trustee Deur, and was seconded by Township Board Trustee Bard:

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

THE TOWNSHIP OF FRUITLAND (the "Township") ORDAINS:

Section 1. Findings. In accordance with Act No. 110 of the Public Acts of 2006, as amended, and Act No. 279 of the Public Acts of 1909, as amended, Fruitland Township has determined that:

- 1 The provisions of the Township's Zoning Ordinance and other ordinances (collectively, "Ordinances") have not kept pace with recent developments and the passing into law of Initiated Law 1 of 2008, the Michigan Medical Marihuana Act.
- 2 It is within the rights and authority of Fruitland Township to establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health, safety and welfare in a manner consistent with the Michigan Medical Marihuana Act.
- 3 Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Ordinances.
- 4 During this moratorium period, the Township Board and Planning Commission will investigate potential modifications to the Ordinances that may establish reasonable regulations to control the possession, sale, and dispensation of medical marihuana in order to protect the public health, safety and welfare.

Section 2. Administrative Action. A moratorium is hereby imposed upon the issuance of any Township permit, license, variance or use, or similar approval for the sale or dispensation of medical marihuana within Fruitland Township, so long as this Ordinance is in effect. During the moratorium term specified in this Ordinance, no Township official, employee, body, or agent shall issue any such permit, license, variance or other approval.

Section 3. Prohibition on Sale or Dispensation of Medical Marihuana. No sale or dispensation of medical marihuana shall occur within the Township pursuant to the Michigan Medical Marihuana Act (or any other law or statute) while the moratorium imposed by this Ordinance is in effect. Such prohibition shall not apply to the direct dispensation by a primary caregiver of marihuana to that primary caregiver's registered qualifying patient if fully lawful under the Michigan Medical Marihuana Act as well as all other applicable state and local statutes. The prohibition contained in this Section 3 shall apply to the sale, transport or dispensation of marihuana by anyone other than a primary caregiver administering directly to that primary caregiver's qualifying patient in full compliance with the Michigan Medical Marihuana Act.

Section 4. Term of This Ordinance. The moratorium imposed by this Ordinance shall remain in effect for six (6) months following the effective date of this Ordinance or until amendments to Fruitland Township's Ordinances regarding the sale or dispensation of medical marihuana become effective, whichever occurs first. Prior to the expiration of the six month moratorium, Fruitland Township may extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the Ordinances.

Section 5. Effective Date. This Ordinance is declared to be an emergency ordinance and shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Treasurer Wilks, Clerk Rillema, Trustee Binns, Trustee Deur, Trustee Bard, Supervisor St. Amour

NAYS: Trustee Bole

ABSENT/ABSTAIN: None

CERTIFICATION

I hereby certify that the above is a true copy of an emergency Ordinance adopted by the Township Board for Fruitland Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: January 20, 2011

By: _____

Karolyn Rillema
Fruitland Township Clerk

Adopted: January 19, 2011
Published: January 30, 2011
Effective: January 31, 2011