

# MARQUETTE CHARTER TOWNSHIP

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## RESOLUTION

**Whereas;** the Marquette Charter Township Board of Trustees has responsibility for ensuring the health, safety, and welfare of Township residents and visitors;

**Whereas;** the citizens of the State of Michigan have enacted by referendum a medical marijuana law in which the medical use of marijuana is permitted in certain circumstances, while that same conduct is rendered unlawful under the federal Controlled Substances Act, 21 USC 801, et seq., by virtue of the fact that marijuana currently remains a Schedule I controlled substance under applicable federal law;

**Whereas;** the Michigan Legislature has adopted legislation permitting pharmacies to dispense medical marijuana, but which shall not take effect until such time as the federal government reclassifies marijuana from a Schedule I controlled substance to a legal prescription drug;

**Whereas;** the U.S. Attorney General maintains that the use of marijuana for any purpose violates federal law;

**Whereas;** the Michigan Legislature has multiple bills pending that would affect the operation, permitting process, and regulation of businesses relating to medical marijuana, including but not limited to, House Bills 4209, 4210, 4827 and 4877, and Senate Bill 142, which would permit a township to limit or prohibit the operation of marijuana "provisioning centers" or marijuana "safety compliance facilities" within its boundaries, as well as numerous other House and Senate Bills addressing landlord regulation of marijuana use by patients, tracking of medical marijuana growth and sales, and amending the definition of "medical use" of marijuana, imposing excise and sales taxes, or completely legalizing recreational use of marijuana as proposed in House Bill 4877 and Senate Bill 813, thereby making it premature for Marquette Township to consider an ordinance regulating the zoning, location, permitting, or operation of a business relating to the sale, dispensation or testing of medical marijuana or substances that mimic the effects of controlled drugs or substances;

**Whereas;** petitions seeking a referendum for legalization of recreational marijuana have been approved by the Board of State Canvassers, which may also impact the nature and scope of regulation legally permissible by the Marquette Charter Township; and

**Whereas;** the Marquette Charter Township Board of Trustees has determined that it is in the public interest to hold in abeyance the approval of zoning compliance certification, business license issuance, and adoption of an ordinance modifying the allowing, prohibiting or regulation of such businesses until further guidance and action is undertaken by the Michigan Legislature and courts;

**Now Therefore Be It Resolved;** that the Marquette Charter Township Board of Trustees hereby resolves to establish a moratorium, with immediate effect through February 28, 2017 on the approval of zoning compliance certification and/or business license issuance to any person or entity seeking to establish within the Township any business for medical marijuana sale or dispensation, marijuana provisioning centers, marijuana safety compliance facilities, or sale of substances that mimic the effects of controlled drugs or substances. The moratorium is established in the interest of the health, safety and welfare of the Township residents and visitors; in compliance with the established zoning ordinance and possible prospective amendments; and in consideration of pending legislative and judicial proceedings.

Motion: Trustee Markes Second: Trustee LaRue

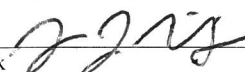
Ayes: Supervisor Durant, Clerk Ritari, Treasurer Johnson, Trustee Markes, Trustee LaRue, Trustee Pompo, Trustee Truscott

Nays: None

Absent: None

### Certification

I hereby certify that the above is true and correct copy of the motion adopted at the August 3, 2016 regular meeting of the Marquette Charter Township Board of Trustees.

Randy J. Ritari, Clerk 

### **Mission Statement:**

*"Recognize and meet the needs of the Township Community."*

