

BACKUS TOWNSHIP

ORDINANCE NO. 11

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

BACKUS TOWNSHIP ORDAINS:

Section 1: Findings. In accordance with the Michigan Zoning Enabling Act, 2006 P.A. 110, and 1945 P.A. 246, as amended, Backus Township has determined that:

1. When Backus Township adopted its Zoning Ordinance, the Initiated Law 1 of 2008, the Michigan Medical Marihuana Act, was not contemplated.
2. Pursuant to the Michigan Zoning Enabling Act and 1945 P.A. 246, MCL 41.181 *et seq.*, Backus 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 Marihuana Act.
3. The Township desires to consider the best way to address the Michigan Medical Marihuana Act in order to protect the public health, safety, and welfare of Township residents.
4. 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 Township's Ordinances and Zoning Ordinance.
5. A moratorium should be imposed upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the Backus Township Zoning Ordinance for the sale and dispensation of medical marijuana for six (6) months or until an amendment to the Backus Township Zoning Ordinance and/or the Township's Ordinances, whichever occurs first.

Section 2: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses or approvals for any property subject to or under the jurisdiction of the Backus Township Zoning Ordinance for the sale or dispensation of medical marijuana, so long as this ordinance is in effect.

Section 3: Term of Ordinance. The moratorium imposed by this ordinance shall remain in effect for (1) six (6) months following the effective date of this ordinance or (2) until amendments to Backus Township's Zoning Ordinance and/or Township Ordinances become effective, whichever occurs first. Prior to the expiration of the six month moratorium, Backus Township may extend, by resolution, the moratorium for an additional six (6) months to allow sufficient time to complete amendments to the ordinances.

Section 4: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5: Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6: Effective Date. This ordinance shall become effective immediately following publication.

Laurie M. Nagy
Backus Township Clerk
July 05, 2011