

ORDINANCE NO. 2011-02

An Ordinance to Impose a Moratorium on the Issuance of Permits, Licenses or Approvals for the Sale or Dispensation of Medical Marijuana

The Village of Ontonagon hereby Ordains, that Article V (Sale or Dispensation of Medical Marijuana) of Chapter 62 (Zoning) be updated, to read as follows:

Article V – Sale or Dispensation of Medical Marijuana

Sec. 1: Findings: In accordance with the Michigan Zoning Enabling Act, 2006 P.A. 110 and 1945 P.A. 246, as amended, The Village of Ontonagon has determined that:

1. When the Village of Ontonagon adopted its Zoning Ordinance, the Initiated Law 1 of 2008, the Michigan Medical Marijuana Act, was not contemplated.
2. Pursuant to the Michigan Zoning Enabling Act and 1945 P.A. 246, MCL 41.181 et seq., the Village of Ontonagon 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 Village of Ontonagon desires to consider the best way to address the Michigan Medical Marijuana Act in order to protect the public health, safety and welfare of Village 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 Village's Ordinance 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 Village of Ontonagon Zoning Ordinance for the sale and dispensation of medical marijuana for six (6) months or until an amendment to the Zoning Ordinance and/or Village's Ordinances, whichever occurs first.

Sec. 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 Village of Ontonagon Zoning Ordinance for the sale or dispensation of medical marijuana, so long as this ordinance is in effect.

Sec. 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 the Village of Ontonagon's Zoning Ordinance and/or Village Ordinance become effective, whichever occurs first. Prior to the expiration of the six month moratorium, the Village of Ontonagon may extend the moratorium for an additional three (3) months to allow sufficient time to complete amendments to the ordinances.

Sec. 4: Validity and Severability:

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be constructed as affecting the validity of the remaining portions of this Ordinance.

Sec. 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.

Sec. 6: Effective Date:

This ordinance shall become effective immediately following publication.

ORDINANCE DECLARED ADOPTED. DATE: 3/28/2011