

City of Laingsburg

MORATORIUM ON COMMERCIAL, MEDICAL AND RECREATIONAL USE, MARIHUANA FACILITIES LICENSING

RESOLUTION NO. 2115

The following resolution was offered by Rhodabeck and supported by Judd at the Regular meeting of the Laingsburg City Council at 114 N Woodhull and December 6, 2021 at 7pm.

A RESOLUTION OF THE CITY COUNCIL OF Laingsburg, initiating a moratorium to stop issuing, reviewing or processing any further medical or recreational marihuana establishment licenses, special land use permits & site plan review applications related to ORDINANCE 01-2019 and 02-2019 of the City of Laingsburg Code of Ordinances & the City of Laingsburg Zoning Ordinance Article 8, Section 837, Marihuana Retailer

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2016 ("MZEA"), the City has the authority to establish reasonable land use regulations to protect the public health, safety and welfare and in a manner consistent with applicable Michigan law;

and WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2016 ("MZEA"), the City has the authority to establish reasonable land use regulations to protect the public health, safety and welfare and in a manner consistent with applicable Michigan law;

and WHEREAS, a referendary petition was submitted on October 4, 2021 to the City Clerk with 60 (sixty) signatures, requesting, "We, the undersigned qualified and registered electors, residents in the 4th congressional district in the state of Michigan, respectively petition for an amendment to Ordinance 02-2019, located in chapter 18, Article VI, Commercial Marihuana Facilities, Division 2 Recreational Section 18-317(a)(8) of the Laingsburg Code of Ordinances to reduce the number of marihuana retailer permits from two to one permit". Ordinance 02-2019, Chapter 18, Article VI, Commercial Marihuana Facilities, Division 2 Recreational Section 18-317(a) Permit required general provisions; for certification on October 4, 2021, for which the City certified the petition as valid under the 2018 Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., which cites a 5% signature threshold for petition certification;

and WHEREAS, the City Charter, Part 1, Chapter 8. Legislation, page 3 presents a more restrictive signature threshold for referendary petitions, "an initiatory or a referendary petition shall be signed by not less than 15 percent of the registered electors of the City, as of the date of filing the petition, and all signatures on said petition shall be obtained within 20 days before the date of filing the petition with the clerk;"

and WHEREAS, in light of the City's authority to regulate medical and recreational use marihuana land uses through zoning ordinance, the City desires to consider the best way to address medical and recreational use zoning in a manner consistent with Michigan law to protect the public health, safety, and welfare of City residents;

and WHEREAS, imposing a moratorium, on a limited, temporary basis, is reasonable and necessary to allow time for review of and potential amendments or additions to City of Laingsburg ordinances, including the consideration of conflicting thresholds for voter signatures related to a referendary petition certified by the City Clerk on October 14, 2021, concerning land uses and the number of licenses related to medical and recreational use marihuana establishments;

and WHEREAS, the City is thoroughly reviewing election procedure, and referendary petition considerations, consulting with the City and County Board of Canvassers to determine the appropriate threshold for a valid referendary petition, either through the City's more restrictive Charter or the 2018 Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

and WHEREAS, the City is committed to a timely review of the referendary petition considerations of both the City Charter and the 2018 Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., and their impact on potential business operations in the City,

and WHEREAS, this moratorium will expire on June 6, 2022, unless extended. No licenses for additional medical or recreational use establishments will be issued until the City is able to bring the referendary petition certification discussion in front of either the City Board of Canvassers and/or the County Board of Canvassers for consideration of the validity of the referendary petition certified by the City Clerk;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF Laingsburg, MICHIGAN:

The City of Laingsburg will enter into a moratorium on the issuance of both medical and recreational use establishment licenses, special land use permits & site plan review applications until the city is able to determine the validity of signature thresholds expected of the City and County Board of Canvassers as it relates to conflicting state and local statute. The moratorium will be lifted by the City by no later than June 6, 2022, unless the issue is not resolved and requires an extension.

The City Council directs the City Clerk to consult with the City and County Board of Canvassers, through an open and transparent public dialogue, to present the circumstances surrounding the validity of the referendary petition in question, and report back to the City Council with their findings, and to not issue any new licenses or process any special land use & site plan review applications, until this matter is resolved.

Ayes: Culpepper, Fredline, Ducastel, Geasler, Judd, Nickols and Rhodabeck.

Nays: None

Absent: None

Resolution Declared Adopted:

PASSED BY THE CITY COUNCIL, CITY OF LAINGSBURG, MICHIGAN December 6, 2021.

SIGNED BY:

Paula Willoughby

TITLE:

Clerk

DATE:

12-8-2021

ATTEST:

Mark Culpepper
Mayor

Michael Culpepper