

GALIEN TOWNSHIP
BERRIEN COUNTY
STATE OF MICHIGAN
RESOLUTION NO. 2019-05

At a regular meeting of the Board of Trustees of Galien Township, Berrien County, Michigan, ("Township") held at the Township Hall on Wednesday, May 15, 2019.

PRESENT: _____

The Following preamble and resolution were offered by Board Member _____ and seconded by _____:

RESOLUTION ESTABLISHING MORATORIUM REGARDING THE ESTABLISHMENT OF BUSINESSES ENGAGED IN THE GROWING, PROCESSING, TESTING, OR TRANSPORTATION OF MEDICAL MARIHUANA IN COMMERCIAL, INDUSTRIAL, OR AGRICULTURAL ZONES IN GALIEN TOWNSHIP, BERRIEN COUNTY, MICHIGAN.

WHEREAS, the use of medical marihuana for a debilitating medical condition is presently governed in Michigan pursuant to MCL 333.26423 et seq., and rules to be issued by the State Department of Community Health under MCL 333.26425, and MCL 333.27101 et seq., known as the Medical Marihuana Facilities Licensing Act (the "MMFLA")

WHEREAS, The MMFLA provides that the application process for a state operating license requires written approval by the municipality in which the marihuana facility is to be located, and

WHEREAS, the MMFLA further provides that the municipality may enact an ordinance to authorize and limit the number of one or more types of marihuana facilities within its boundaries; charge an annual local licensing fee; and enact other ordinances related to marihuana facilities such as zoning ordinances;

WHEREAS, the Township has passed both a local police powers ordinance and an amended zoning ordinance to provide for the placement of State-approved facilities under the MMFLA; and

WHEREAS, the Township Board has approved several permits, and the Township Planning Commission has approved several Special Use Permits for MMFLA facilities under their zoning and police powers ordinance, all of which are subject to various conditions, including State approval; and

WHEREAS, the Township has been implored by its citizens to reconsider the number of licenses available, and

WHEREAS, the Township wishes to respect the desire of its citizens and have further discussions to consider the number of township permits that will be available under its police powers ordinance, and

WHEREAS, the Township has already put in place a six month moratorium, but the Township desires to have several more months to study and consider the issue.

NOW, THEREFORE, upon motion by _____, supported by _____,

IT IS RESOLVED THAT, the following moratorium is implemented:

A moratorium shall apply to all MMFLA-related Permit Applications and Special Use Applications in Galien Township in Commercial, Industrial, and Agricultural Zoned properties, with the Township prohibiting the additional establishment of any marihuana facilities associated with the distribution, selling, growing, transporting, or processing of marihuana other than at the residence of a qualifying patient who has been issued and possesses a registry identification card or at the residence of a qualified caregiver who has been issued and possesses a registry identification card as allowed and defined by Act 1 of 2008 Initiated Law of 2008 Michigan Medical Marihuana Act is hereby adopted. This moratorium shall become effective immediately upon the adoption of this resolution. This moratorium shall remain in effect for six (6) months unless sooner repealed by the Township Board. This resolution does not restrict a licensed physician from prescribing marihuana compliant with state law. This resolution shall not apply to those applications already filed with or approved by the Township, nor prevent those with existing licenses/pending applications from seeking additional licenses on that property (“stacking”). Any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.

AYES: _____

NAYS: _____

RESOLUTION HEREBY DECLARED ADOPTED.

May 15, 2019

Jennifer Richter, Township Clerk