

WEXFORD COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 44

AN ORDINANCE TO EXTEND THE MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE SALE OR DISPENSATION OF MEDICAL MARIJUANA WITHIN WEXFORD COUNTY

The County of Wexford ordains:

WHEREAS, the County desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, 2008 Initiated Law 1, in order to protect the public health, safety, and welfare; and

WHEREAS, the County Board of Commissioners determines it is desirable to avoid the issuance of land use permits for businesses or uses which conduct or engage in the growth, sale or dispensation of medical marijuana until an amendment to the Zoning Ordinance becomes effective, and a permitting process is established; and

WHEREAS, the County Planning Commission previously recommended to the County Board of Commissioners that it set a moratorium for the approval of medical marijuana related businesses for six (6) months so as to allow time for the development of standards for the regulation of proposed medical marijuana operations; and

WHEREAS, the County Board of Commissioners previously adopted an Ordinance imposing a six-month moratorium on the issuance of land use permits for businesses or uses which conduct or engage in the sale or dispensation of medical marijuana, which moratorium expires on September 20, 2011; and

WHEREAS, the Planning Commission has proceeded in good faith to develop the appropriate standards for the regulation of proposed medical marijuana operations, but its progress has been delayed due to the recent appellate case law interpreting the Michigan Medical Marihuana Act, which has resulted in several significant new developments in the state of the law, requiring additional time to complete its process and submit a recommended Zoning Ordinance amendment to the County Board of Commissioners for approval.

RESOLVED, that pursuant to MCL 46.11(j) the following ordinance – to extend the moratorium on the issuance of land use permits for businesses or uses which conduct or engage in the sale or dispensation of medical marijuana for a period of six months from the expiration date of the initial Ordinance (i.e., through March 20, 2012), or until the effective date of adoption of proper text amendments to the Zoning Ordinance, whichever occurs first – is hereby adopted.

Section 1. Findings.

A. It is within the right of the County to establish reasonable regulations to control land uses for the growth, sale and dispensation of medical marijuana in order to protect the public health, safety and welfare.

B. The six-month moratorium on the issuance of any and all land use permits for businesses or uses which conduct or engage in the growth, sale or dispensation of medical marijuana should be extended for a period of six (6) months, or until an amendment of the Zoning Ordinance becomes effective, whichever occurs first.

Section 2. Moratorium. There is imposed for a period of six (6) months from the expiration date of the previous Ordinance a moratorium upon the issuance of any and all land use permits for businesses or uses which conduct or engage in the growth, sale or dispensation of medical marijuana within Wexford County.

Section 3. Expiration. The moratorium imposed by this ordinance shall expire the earlier of March 20, 2012, or on the effective date of an amendment to the Zoning Ordinance, whichever occurs first.

Section 4. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed; and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

Section 5. Effective Date. This Ordinance shall be effective after notice of its adoption by the Wexford County Board of Commissioners is published in a newspaper of general circulation in Wexford County.



Chairperson, County Board of Commissioners



County Clerk

Affidavit of Publication

STATE OF MICHIGAN }
County of Wexford }

Sandra Smith of Cadillac News, a paper published in the County of Wexford and circulated in the Counties of Wexford, Missaukee, Osceola, and Lake; being duly sworn, deposed and says that she is a staff accountant of said newspaper and that notice, a true copy of which is annexed hereto, has been duly published in said paper on:

September 9, 2011
September 10, 2011

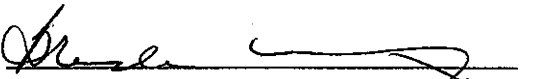


Sandra Smith

NOTICE OF ORDINANCE

The Wexford County Board of Commissioners passed Ordinance No. 44, To Extend The Moratorium On The Issuance Of Permits For The Sale Or Dispensation Of Medical Marijuana Within Wexford County. The entire ordinance is available for viewing at the Wexford County Clerk's Office or on line at www.wexfordcounty.org. The ordinance shall become effective on Saturday, September 10, 2011, the day after publication, September 9, 2011.
September 9, 10

Subscribed and sworn to before me this
12th day of September A.D. 2011.



Brenda Vanderhoef, Notary Public, State
of Michigan, County of Osceola, Acting in
County of Wexford
My commission expires: December 16,
2011