

**FREMONT TOWNSHIP
ORDINANCE NO. 0322-01**

Effective Date: March 22, 2011

**An Interim Ordinance Imposing a Temporary Moratorium on Certain Land
Uses Connected with the Use of Marihuana for Medical Purposes.**

WHEREAS, the State of Michigan, by voter referendum of November, 2008, approved the use of medical marihuana; and

WHEREAS, this law has been identified as Initiated Law 1 of 2008, MCL 333.26421 *et seq.*, and executive reorganization order numbers 1996-1, 1996-2 and 2003-1, MCL 330.3101, MCL 445.2001 and MCL 445.2011; and

WHEREAS, such laws and state regulations have not addressed the appropriate land uses associated with these activities; and

WHEREAS, the present ordinances of the Township do not address the proper locations of such activities, since many of the activities were illegal until the recent referendum and were not permitted anywhere in the Township; and

WHEREAS, absent this moratorium, unregulated land uses could likely cause substantial issues for the Township such as mixed commercial, agricultural and residential uses, quasi-industrial uses in residential or commercial areas, uses that could be incompatible with public uses such as schools, and

WHEREAS, the Township has a legitimate purpose in addressing the proper locations and land uses for this new activity in appropriate areas; and

WHEREAS, this review process will take at least several months to properly accomplish; and

WHEREAS, the Township is legitimately concerned that uses may be established in inappropriate or inadvisable locations before revised ordinances can be drafted and enacted, thereby defeating the purpose of the township's ordinances; and

WHEREAS, it is a routine and appropriate method to forestall such problems to enact a reasonable moratorium on all land uses for medical marihuana until new ordinances can be drafted and enacted.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Fremont Township as follows:

FREMONT TOWNSHIP ORDAINS:

Section 1: Fremont Township hereby temporarily prohibits, pending further study and implementation of appropriate permanent ordinances, the use of land or buildings for the following activities and uses:

1. Cultivation or processing of marihuana;
2. Distribution or dispensing of marihuana;
3. Smoking or other administration of marihuana;
4. Stores for specialized equipment for cultivating, processing, distributing, or administering marihuana; and
5. Specialized schools or training for cultivating, processing, distributing, or administering marihuana.

Section 2: Nothing in this moratorium ordinance shall deny a properly licensed person from exercising his or her rights under Initiated Law 1 of 2008 with respect to the personal use of marihuana for medical purposes. Further, the provisions of this moratorium are declared to be severable.

Section 3: This moratorium ordinance forbidding such land use shall terminate and be of no further effect upon the effective date of a land use ordinance regulating such activities or after six months from the effective date of this moratorium, whichever shall first occur.

Section 4: The Clerk of Fremont Township shall publish this ordinance in the manner prescribed by law.

Section 5: This ordinance shall take effect immediately after its publication as required by law.

At a regular meeting of the Township Board held on the 22nd day of March, 2011, it was moved by Schimmelmann and supported by Curtiss that this Ordinance No. 0322-01 be introduced and adopted.

AYES 5 _____

NAYS 0 _____

I, John Schimmelmann, Clerk of Fremont Township, hereby certify this to be a true and complete copy of Ordinance No. 03082011-1, duly adopted at a regular meeting of the Township Board held on the 22nd day of March, 2011.

John Schimmelmann, Clerk