

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 102**

At a regular meeting of the Township Board for Martin Township held at the Township offices on August 10, 2011, beginning at 6:30 p.m., the following Ordinance was offered for adoption by Township Board Member Sipple, and was seconded by Township Board Member Sturgis:

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE
OF PERMITS, LICENSES OR APPROVALS FOR THE SALE OR
DISPENSATION OF MEDICAL MARIHUANA**

THE TOWNSHIP OF MARTIN (the "Township") ORDAINS:

Section 1. Findings. In accordance with Act No. 110 of the Public Acts of 2006, as amended, and Act No. 246 of the Public Acts of 1945, as amended, Martin Township has determined that:

1. The provisions of the Township's Zoning Ordinance and other ordinances (collectively, "Ordinances") have not kept pace with recent developments and the passing into law of Initiated Law 1 of 2008, the Michigan Medical Marihuana Act.
2. It is within the rights and authority of Martin Township to establish reasonable regulations to control the sale, consumption, distribution and dispensation of medical marihuana in order to protect the public health, safety and welfare in a manner consistent with the Michigan Medical Marihuana Act.
3. 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 Ordinances.
4. During this moratorium period, the Township Board and Planning Commission will investigate potential modifications to the Ordinances that may establish reasonable regulations to control the possession, sale, and dispensation of medical marihuana in order to protect the public health, safety and welfare.

Section 2. Administrative Action. A moratorium is hereby imposed upon the issuance of any Township permit, license, variance, or similar approval for the sale, distribution or dispensation of medical marihuana within Martin Township, so long as this Ordinance is in

effect. During the moratorium term specified in this Ordinance, no Township official, employee, body, or agent shall issue any such permit, license, variance or other approval.

Section 3. Prohibition on the Sale or Dispensation of Medical Marihuana. No sale, distribution or dispensation of medical marihuana shall occur within Martin Township pursuant to the Michigan Medical Marihuana Act (or any other law or statute) while the moratorium imposed by this Ordinance is in effect. Such prohibition shall not apply to the direct dispensation by a primary caregiver of medical marihuana to that primary caregiver’s registered qualifying patient(s) if fully lawful under the Michigan Medical Marihuana Act as well as all other applicable state statutes and regulations.

Section 4. Term of This Ordinance. The moratorium imposed by this Ordinance shall remain in effect for six (6) months following the effective date of this Ordinance or until amendments to Martin Township’s ordinances regarding the sale, distribution or dispensation of medical marihuana become effective, whichever occurs first. Prior to the expiration of the six-month moratorium, Martin Township may extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the ordinances.

Section 5. Effective Date. This Ordinance is declared to be an emergency ordinance and shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Terry Sturgis, Jim Brenner, Jack Sipple, Carrie Coburn, and Susan Tiemeyer

NAYS: _____

ABSENT/ABSTAIN: _____

CERTIFICATION

I hereby certify that the above is a true copy of an emergency Ordinance adopted by the Township Board for Martin Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: August 10, 2011

By _____
Carrie Coburn
Martin Township Clerk