

CHAPTER 60

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA WITHIN THE CITY OF LAPEER

60.01 FINDINGS. The City of Lapeer has determined that:

- A. The provisions within Chapter 7 (City of Lapeer Zoning Ordinance) of the General Ordinances of the City of Lapeer were adopted on various dates prior to the passage by Michigan voters of a Constitutional Amendment providing for the use of medical marijuana in November of 2008. As a result, the "Medical Marihuana Act" went into effect on December 4, 2008, with a key element missing, however--how medical marijuana will be dispensed. The City of Lapeer's zoning regulations, like most municipalities within the State, have not kept pace with this recent change in statewide legislation with respect to medical marihuana.
- B. It is within the rights of the City to establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health, safety, and welfare.
- C. A previous six (6) month moratorium was imposed under the authority vested in the City of Lapeer upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana. An additional three (3) month extension was imposed through April 9, 2011. An additional three (3) month extension was imposed through July 21, 2011.

History: (Amended: intro 12-20-10 – adopt 01-04-11 – effective 01-09-11; Amended: intro04-04-11 – adopt 04-21-11; Amended: intro 07-05-11 – adopt 07-18-11 – effective 07-21-11;)

- D. That the City Commission is in need of additional time to investigate its options under the "Medical Marihuana Act," and recognizes that various suits and challenges have been levied by the American Civil Liberties Union and others challenging some or all of the provisions of the ordinances of other municipalities that have attempted to address the implementation of the "Medical Marihuana Act.

History: (Amended: intro 12-20-10 – adopt 01-04-11 – effective 01-09-11;)

- E. As a result, a further moratorium should be imposed upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana for three (3) months or until an amendment of the Zoning Ordinance, whichever occurs first.

History: (Amended: intro 12-20-10 – adopt 01-04-11 – effective 01-09-11; Amended: intro04-04-11 – adopt 04-21-11; Amended: intro 07-05-11 – adopt 07-18-11 – effective 07-21-11;)

60.02 IMPOSITION

That there be and hereby is imposed for a period of three (3) months from the effective date of this ordinance a moratorium upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana within the City of Lapeer.

History: (Amended: intro 12-20-10 – adopt 01-04-11 – effective 01-09-11;)

60.03 EXPIRATION

The moratorium imposed by this ordinance shall expire the earlier of three (3) months from its effective date or the effective date of an amendment to the Zoning Ordinance.

History: (Amended: intro 12-20-10 – adopt 01-04-11 – effective 01-09-11;)

EFFECTIVE DATE OF ORDINANCE:

June 24, 2010 – approved; Amended: intro 12-20-10 – adopt 01-04-11 – effective 01-09-11;

APPROVAL AND AMENDMENTS:

Motion #	Moved By	Seconded By	Approved/Amendment	Publication / Effective Date
148 2010 06-21	Robinet	Bennett	Approved	June 24, 2010
2010 12-20	Robinet		Amendment introduction	
5 2011 01-04	Robinet	Bennett	Amendment adoption	January 9, 2011
74 2011 04-04	Marquardt		Amendment Introduction	
84 2011 04-18	Robinet	Farrington	Amendment Adoption	April 21, 2011
2011 07-005	Robinet		Amendment Introduction	
161 2011 07-18	Robinet	Bostick-Tullius	Amendment Adoption	July 21, 2011