

COUNCIL COMMUNICATION

Manager's Recommendation: Approval of the ordinance as follows:

Title: An Uncodified 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 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 use associated with these activities; and

WHEREAS, the present zoning and land use ordinances do not address the proper location of such activities as, until the recent referendum, many of the activities were illegal and not permitted in any zoning classification, and

WHEREAS, the experience of other states with similar law changes has been that unregulated land use has caused substantial problems for communities, and

WHEREAS, THE City of Saginaw has a legitimate purpose in addressing the proper location and land use for this new activity in appropriate areas, and

WHEREAS, this review process may take several months to properly accomplish, and

WHEREAS, the City is legitimately concerned that uses may be established in inappropriate locations before the revised land use ordinances may be drafted and enacted, thereby defeating the purpose of the ordinance.

COUNCIL COMMUNICATION

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 such an ordinance can be drafted and enacted,

NOW, THEREFORE, BE IT RESOLVED, that the City of Saginaw hereby temporarily denies use of land for the following activities:

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 cultivation, processing, distributing or administering marihuana; and
5. Specialized schools or training for cultivation, processing, distributing or administering marihuana, and

BE IT FURTHER RESOLVED, that the moratorium 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.