

COLDWATER TOWNSHIP

RESOLUTION # 4-2011

August 1, 2011

A RESOLUTION TO DEFER THE REVIEW OF APPLICATIONS PERTAINING TO MEDICAL MARIJUANA FACILITIES

PREAMBLE

A resolution to defer the consideration and review of applications for rezoning and/or for special land uses pertaining to medical marijuana dispensaries and the sale and/or dispensing of medical marijuana as regulated uses in Coldwater Township.

THE TOWNSHIP OF COLDWATER, BRANCH COUNTY, MICHIGAN, ORDAINS:

WHEREAS, Coldwater Township desires to secure the public safety, health, and welfare of the residents and property owners of the Township of Coldwater, Branch County, Michigan, by providing for the regulation, control, and prohibition where necessary of medical marijuana dispensaries and the sale and/or dispensing of medical marijuana within Coldwater Township.

WHEREAS, the cultivation, sale, use, or dispensation of medical marijuana was not envisioned when the current Zoning Ordinance was adopted;

WHEREAS, this use is not regulated or planned for in any way.

WHEREAS, the Township of Coldwater Planning Commission is currently studying and preparing revisions to the Coldwater Township Zoning Ordinance;

WHEREAS, the Coldwater Township Planning Commission will require extensive time to study how to regulate these uses and recommends a six month moratorium to allow it sufficient time to study and prepare any necessary ordinance amendments;

WHEREAS, allowing the use, cultivation, sale or dispensation of medical marijuana prior to the amendment of the Zoning Ordinance would be contrary to the goals of the current zoning ordinance and master plan.

WHEREAS, Coldwater Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marijuana Act, Being PA 2008; MCL 333.26421 through MCL 333.26430 in order to protect the public health, safety, and welfare;

WHEREAS, the Coldwater Township Board has concluded that until the ordinances are revised that it would be counter-productive if new development or expansion of development relating to medical marijuana dispensaries or a rezoning or special use application for such facilities were permitted to move forward. Therefore, the Coldwater Township Board has determined that for this period that there shall be a deferral of consideration or review of any requests for new development and of the rezoning of property and special uses for property pertaining to medical marijuana dispensing facilities and the sale and/or dispensing of medical marijuana;

THEREFORE, be it resolved that a moratorium is hereby declared effective immediately until February 1, 2012.

THEREFORE, be it further resolved that, for the period commencing on the date of this Resolution and terminating on February 1, 2012, there shall be no consideration or action taken by a Township entity, official, and/or agent on a proposal for the establishment of a medical marijuana facility in the Township of Coldwater and that during the moratorium medical marijuana dispensaries shall not be permitted in the Township.

THEREFORE, be it further resolved that the Township Planning Commission along with the Township Officials shall proceed with efforts to study areas within the Township wherein medical marijuana facilities might be permissible.

CERTIFICATE

Upon motion made by Supervisor Kopacz, seconded by Treasurer Rogers, the following Resolution was adopted:

The following members voted:

Ayes: **Trustee Kellogg, Trustee Daniels, Supervisor Kopacz, Treasurer Rogers, Clerk Morrison**

Nays: **NONE**

Absent or abstain: **NONE**

The undersigned, as the duly elected and acting Clerk of **Coldwater Township**, hereby certifies that this Ordinance was duly adopted by the Township Board at a regular meeting of said board, at which a quorum was present, held on **August 1, 2011** and that copies were transmitted and/or published as directed.

STATE OF MICHIGAN }
 } ss
COUNTY OF BRANCH }

I, DIANE MORRISON, Clerk of Coldwater Township, Branch County, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Moratorium established, which Resolution was adopted by the Coldwater Township Board at a meeting held August 1, 2011.

Diane Morrison, Clerk

Date

The Supervisor Declared the Resolution Adopted.

John R. Kopacz Jr., Supervisor

Date