

## ORDINANCE NO. 71.1

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN, BE AMENDED BY AMENDING CHAPTER 70 ("MORATORIA") TO TITLE VI ("LICENSING") IN ORDER TO: IMPOSE AND EXTEND A MORATORIUM ON THE ISSUANCE OF PERMITS OR LICENSES FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA, AS WELL AS THE ESTABLISHMENT AND OPERATION OF MARIHUANA GROWING FACILITIES, MARIHUANA CLUBS, COMPASSION CLUBS, MARIHUANA DISPENSARIES, AND SIMILAR ENTERPRISES, BUSINESSES, USES AND ACTIVITIES WITHIN THE CHARTER TOWNSHIP OF LANSING; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE HEREOF.

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF LANSING HEREBY ORDAINS:

1. Section 70-1 ("Findings") of Chapter 70 ("Moratoria") of Title VI ("Licensing") is hereby amended as follows:

### **Section 70-1. Findings.**

The Township Board has determined that:

- A. The provisions within the Code of Ordinances of the Charter Township of Lansing, including but not limited to its licensing and zoning regulations, have not kept pace with recent statewide legislation.
- B. It is within the rights of the Township, pursuant to the Charter Township Act (Michigan Public Act 359 of 1947, as amended) and other applicable law, 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 moratorium should be imposed upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana, as well as the establishment and/or operation of marihuana growing facilities, marihuana clubs, compassion clubs, marihuana dispensaries, and similar enterprises, businesses, uses and activities that involve or relate to the sale or dispensation of medical marihuana. The moratorium shall continue until May 1, 2011, or until an amendment of the applicable zoning ordinances, licensing ordinances, and other applicable codes and regulations, whichever occurs first.

2. Section 70-2 ("Moratorium") of Chapter 70 ("Moratoria") of Title VI ("Licensing") is hereby amended as follows:

**Section 70-2. Moratorium.**

There is hereby imposed a moratorium upon (A) the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana within the Charter Township of Lansing, and (B) the establishment and/or operation of marihuana growing facilities, marihuana clubs, compassion clubs, marihuana dispensaries, and similar enterprises, businesses, uses and activities that involve or relate to the sale or dispensation of medical marihuana.

3. Section 70-3 (“Term of moratorium”) of Chapter 70 (“Moratoria”) of Title VI (“Licensing”) is hereby amended as follows:

**Section 70-3. Term of moratorium.**

The moratorium imposed by this chapter shall expire the earlier of (A) May 1, 2011, or (B) the effective date of an amendment to the zoning ordinance (Title VIII of the Township’s Code of Ordinances), licensing ordinance (Title VI of the Township’s Code of Ordinances), and/or other applicable codes and regulations as deemed necessary.

4. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

5. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

6. Emergency Ordinance; Effective Date. This Ordinance is declared to be an emergency ordinance pursuant to Section 20 of the Charter Township Act (Michigan Public Act 359 of 1947, as amended). Thus, this Ordinance shall take immediate effect upon publication as required by law.

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John Daher, Supervisor  
Charter Township of Lansing

I, Susan L. Aten, Clerk of Charter Township of Lansing, hereby certify that the foregoing is a true copy of the original of Ordinance No. 71.1, enacted by the Charter Township of Lansing Board of Trustees at a regular meeting on September 14, 2010.

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Susan L. Aten, Clerk  
Charter Township of Lansing