

Banks Township
Ordinance No. 2 of 2011

**AN ORDINANCE IMPOSING A MORATORIUM ON
MEDICAL MARIHUANA LAND USES**

BANKS TOWNSHIP ORDAINS:

Section 1. Legislative Findings.

The Banks Township Board of Trustees hereby makes the following findings:

1. On November 4, 2008 Michigan voters approved a ballot initiative that legalized medical marihuana.
2. Michigan's Medical Marihuana Act, MCL 333.26421, et. seq., took effect in December 4, 2008.
3. The sale or dispensation of medical marihuana was not envisioned when the current Banks Township Zoning Ordinance was adopted, and the Zoning Ordinance does not currently address that use.
4. There remains a great deal of uncertainty among municipalities throughout Michigan concerning how best to regulate/address facilities involved in and activities allowed by the Medical Marihuana Act.
5. Authorizing or allowing facilities involved in and activities allowed by the Medical Marihuana Act prior to an amendment to the Zoning Ordinance would be detrimental to the public health, safety, and welfare of the residents of Banks Township and would not ensure that the use will be situated in appropriate locations within Banks Township.
6. Banks Township desires to ascertain the most appropriate method(s) to regulate facilities involved in and activities allowed by the Medical Marihuana Act in compliance with both the Medical Marihuana Act and the Michigan Zoning Enabling Act, MCL 125.3101, et. seq., in order to protect the public health, safety, and welfare of the residents of Banks Township.
7. The Township Board of Trustees has determined that it is necessary to study and consider appropriate amendments to the current Banks Township Zoning Ordinance regulating/addressing facilities involved in and activities allowed by the Medical Marihuana Act to ensure consistent, cohesive, and sensible land use within Banks Township.
8. Banks Township Board of Trustees has concluded that during the pendency of such study and consideration it would be counterproductive if land was rezoned and new land uses or the expansion of current land uses relating to facilities involved in and activities allowed by the Medical Marihuana Act were permitted to move forward.
9. The Township Board has, therefore, concluded that during the pendency of such study and consideration there should be a legislative deferral of review of any application for the rezoning of property to allow facilities involved in and activities allowed by the Medical Marihuana Act and a prohibition of any development of facilities involved in and activities allowed by the Medical Marihuana Act.
10. The Township Board has determined that the study and consideration necessary for appropriate amendments to the current Banks Township Zoning Ordinance regulating/addressing facilities involved in and activities allowed by the Medical Marihuana Act should take approximately six (6) months.

Section 2. Moratorium; Time Limit.

- a) Banks Township hereby adopts a moratorium on (1) the legislative review of any application for the rezoning of property to allow facilities involved in and activities allowed by the Medical Marihuana Act

and (2) a prohibition of any development of facilities involved in and activities allowed by the Medical Marihuana Act.

- b) The moratorium adopted under subsection a) above shall be in effect for a period of six (6) months from the date of the adoption of this Ordinance, or the effective date of an amendment of the current Banks Township Zoning Ordinance regulating/addressing facilities involved in and activities allowed by the Medical Marihuana Act, whichever is sooner, unless such moratorium is extended by further ordinance of the Banks Township Board of Trustees.

Section 3. Planning Commission Directive.

The Banks Township Planning Commission is hereby directed to begin its study and consideration concerning appropriate amendments to the current Banks Township Zoning Ordinance regulating/addressing facilities involved in and activities allowed by the Medical Marihuana Act immediately.

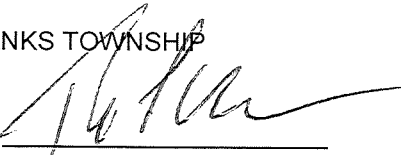
Section 4. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 5. Effective Date.

This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the Township.

BANKS TOWNSHIP

By: 

Thomas P. Mann, Supervisor

By: 

Donna L. Heeres, Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Banks Township Board, Antrim County, held in the Banks Township Hall, located at 6520 Center Street, Ellsworth, Michigan 49729, on June 20, 2011, at 7:30 P.M.

PRESENT: Mann, Postmus, Heeres, Rubing, DeKorne
ABSENT: None

It was moved by Mann and supported by Heeres that the following Ordinance be adopted:

(See attached BANKS TOWNSHIP ORDINANCE)

YES: Heeres, DeKorne, Mann, Rubing, Postmus
NO: None

ORDINANCE DECLARED ADOPTED.

BANKS TOWNSHIP

By: [Signature]
Thomas Mann, Supervisor

I, the undersigned, the Clerk of the Township of Banks, Antrim County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Banks Township Board of said County at its regular meeting held on June 20, 2011 relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Antrim County News on July 7, 2011 and was filed with the County Clerk on July 12, 2011.

Dated: July 12, 2011 [Signature]
Donna L. Heeres, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.