

COLUMBIA TOWNSHIP

**RESOLUTION FOR A MORATORIUM ON APPROVALS FOR
THE CAREGIVER CULTIVATION OF MEDICAL MARIJUANA AND HIGH
AMPERAGE ELECTRICAL SERVICE PERMITS**

At a meeting of the Columbia Township Board held on the 15th day of June 2021, this Resolution was offered by Kolar and supported by Trischler:

WHEREAS, the Township Board has become aware of the intent of various individuals seeking to use vacant buildings and homes within the Township for the caregiver cultivation of marijuana for medical use; and

WHEREAS, the Township is vested with the authority to establish reasonable requirements and regulations in zoning various land uses in order to protect the health, welfare, and safety of Township residents; and

WHEREAS, the Michigan Supreme Court has ruled in *DeRuiter v Township of Byron*, 505 Mich 130 (2020), that the Michigan Medical Marijuana Act of 2008, MCL 333.26421 *et seq* (as amended), does not nullify a municipality's inherent authority to regulate marijuana land uses under the Michigan Zoning Enabling Act; and

WHEREAS, currently, there are not any provisions in the Columbia Township Zoning Ordinance which explicitly regulate caregiver cultivation of marijuana for medical use; and

WHEREAS, the Township Board is concerned that without a moratorium any necessary amendments to the Zoning Ordinance could not be enacted in time to protect the health, welfare, and safety of the Township residents; and

WHEREAS, in order to protect the health, welfare, and safety of the Township residents, the Township Board wants to ensure that any necessary Zoning Ordinance amendments regarding the caregiver cultivation of marijuana for medical use has been properly enacted and become effective before any building permits, zoning permits, electrical permits, licenses, special land use applications, site plans, variances, or any other such approvals for any property within the Township are granted for any proposed caregiver cultivation of marijuana for medical use operation and/or development project.

NOW, THEREFORE, BE IT RESOLVED that the Columbia Township Board hereby declares a moratorium on a temporary basis, on the establishment, placement, construction or enlargement of any caregiver cultivation of marijuana for medical use operations within the Township and also on the acceptance,

reviewing, granting, and/or issuance of any building permits, zoning permits, licenses, special land use applications, site plans, variances, or any other such approvals for any property within the Township regarding any caregiver cultivation of medical marijuana for medical uses operations to allow time to amend the Township Zoning Ordinance to provide for appropriate regulation; and

BE IT FURTHER RESOLVED that the Columbia Township Board further declares a **moratorium** on approvals by any Columbia Township official for **electrical service permits in excess of 200 amperes**. In the event that an applicant can prove that the electrical service is needed for a legal use of the property and that the electrical service is not for the purpose of raising marijuana, the Township Board, by a majority vote, may approve such service.

BE IT FURTHER RESOLVED this moratorium shall remain in effect for a period of six (6) months following the adoption of this Resolution or until Zoning Ordinance amendments containing regulations for the caregiver cultivation of marijuana for medical use regulations have been adopted and become effective in Columbia Township, whichever comes first.

ROLL CALL VOTE

AYES: Trischler, Parmenter, Creguer, Hood, Kolar

NAYS: None

ABSTAIN: None

ABSENT: None

The undersigned Clerk of Columbia Township hereby certifies that this Resolution was duly adopted by the Township Board at a meeting held on the 15th day of June 2021.

Christine Kolar
Christine Kolar, Clerk