



Rochester Hills

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Master

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File Name: Medical Marihuana Moratorium

Final Action:

Title label: Request to Consider a Medical Marihuana Moratorium

Notes:

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf, Memo Mayor 071410.pdf

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council Regular Meeting	07/19/2010					

Text of Legislative File 2010-0297

Title

Request to Consider a Medical Marihuana Moratorium

Body

Whereas, on November 4, 2008, Michigan, Oakland County and Rochester Hills voters approved a state-wide initiative legalizing the medical use of marihuana; and

Whereas, on December 4, 2008, Michigan's Medical Marihuana Act ("MMMA"); MCL 333.26421 et seq, went into effect; and

Whereas, on April 4, 2009, the Michigan Department of Community Health promulgated rules to implement the MMMA; and

Whereas, there remains a great deal of uncertainty and different approaches among municipalities as to whether and how to regulate the medical use of marihuana and related activities, businesses and facilities; and

Whereas, the medical use of marihuana and related activities, businesses and facilities were not specifically contemplated or provided for in the City of Rochester Hills Zoning Ordinance; and

Whereas, the City of Rochester Hills desires to determine a reasoned, appropriate and effective approach to the medical use of marihuana consistent with the MMMA and the Michigan Zoning Enabling Act in order to protect and promote the public health, safety, and welfare; and

Whereas, the City desires to explore whether and how to best regulate the medical use of marihuana and related activities, businesses and facilities, which will require thorough study and possible amendment of the City's Zoning Ordinance and Master Land Use Plan pertaining to land uses, zoning classifications and other requirements; and

Whereas, the Rochester Hills City Council believes that while this subject matter is under consideration and study, no new or expanded uses, activities, businesses or facilities relating to medical use of marihuana, and no zoning or building permits, approvals or certificates for such uses, activities, businesses or facilities should be allowed, established, processed or permitted to proceed; and

Whereas, the City Council concludes further that during the course of review and consideration of possible zoning ordinance amendments, all applications for zoning or building permits, approvals or certificates for uses, buildings, facilities or properties related to medical use of marihuana should be deferred; and

Whereas, the process of exploring, developing and adopting an amendment to the zoning ordinance and/or master land use plan for land uses relating to medical use of marihuana, including proceedings and hearings before the Planning Commission and City Council, may take up to 180 days.

Therefore, It Is Resolved by the Rochester Hills City Council that:

1. A moratorium is hereby declared effective immediately for a period of 180 days.
2. During this moratorium, there shall be no consideration or action by the City or any City board, commission, official, employee and/or agent on any proposal to establish a land use, activity, business or facility relating to the "medical use" (as defined in MCL 333.26423(e)) of marihuana in the City, nor shall the City accept, process or act on any application for a zoning or building permit, approval or certificate for such a land use, activity, business or facility; nor shall medical marihuana land uses, activities, businesses or facilities be permitted in the City.
3. The City Planning Commission, with assistance from the City's Planning and Building Departments, Planning Consultant, City Attorney and the Sheriff's Department, shall study, deliberate and recommend to the City Council whether, how and where medical marihuana land uses, activities, businesses or facilities should be permissible in the City and under what conditions or circumstances.