



CITY OF BROWN CITY

A Progressive Industrial and Agricultural Community

4205 Main Street, Post Office Box 99, Brown City, Michigan 48416-0099

Phone (810) 346-2325

Fax (810) 346-3802

Mayor
Christine Lee

Resolution 11-02

RESOLUTION TO ESTABLISH A TEMPORARY MORATORIUM ON MEDICAL MARIHUANA DISTRIBUTION ESTABLISHMENTS

Councilmembers:
Dan Loutzenhiser
Patricia Jacobson
Ross McIvor
Julie Miller
Eugene Navock
William Walters

WHEREAS, the use of medical marihuana for a debilitating medical condition in Michigan was approved by voters November 4, 2008 and became law on December 4, 2008 and is presently governed pursuant to Michigan Initiated Law 1 of 2008, MCL 333.26421 and General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133.; and,

City Clerk:
Kelly Pavel

WHEREAS, the Michigan Department of Community Health has issued a pronouncement that the current law does not authorize dispensaries for marihuana; and,

City Treasurer:
Carol Walters

WHEREAS, medical marihuana is currently a violation of federal law which may have a negative impact for City residents including, but not limited to, loss of opportunity for federal programs, grants and loans; and,

City Manager:
Clint Holmes

WHEREAS, the State of Michigan Zoning Enabling Act does not require a zone for a business in violation of federal law; and,

Police Chief:
Ron Smith

WHEREAS, the question of whether local units of government are required to provide for properties zones for the dispensing or distribution of marihuana remains an issue of discussion and debate; and,

DPW Foreman:
Phil Bartle

WHEREAS, this moratorium does not impact patients and caregivers under the Michigan Medical Marihuana Act (MMMA), other than dispensary establishments; and,

Administrative
Assistant:
David Van Cura

WHEREAS, the City Council believes that its Ordinances will require amendment to comply with the Michigan Medical Marihuana Act (MMMA) and to regulate certain business establishments that desire to distribute medical marihuana; and,

WHEREAS, the ACLU of Michigan has filed litigation against the Cities of Wyoming, Birmingham, Bloomfield Hills, and Livonia which should determine the requirements to allow or not allow medical marihuana dispensaries; and

WHEREAS, this moratorium is minimally intrusive as the City currently has no dispensaries, there are other dispensaries in the regional area, and allowing a dispensary may be a detriment to both the business operator and the City residents if required to close after opening; and,

WHEREAS, the City is desirous of providing for an informed deliberative process in order to determine the issue of whether within the City, dispensing and distribution if any should occur, whether other regulatory controls should be implemented, and is desirous of further review of the issues.

NOW THEREFORE THE CITY OF BROWN CITY RESOLVES THAT, a moratorium within its City Limits for a period of one hundred eighty (180) days prohibiting the establishment of any business or premises for the distribution or dispensation of marihuana other than use by the person occupying the premises as a resident who has a debilitating medical condition allowing the use of marihuana as allowed pursuant to state law is hereby adopted, effective immediately upon the adoption of this resolution.

The foregoing Resolution was offered on February 14, 2011, by Councilmember William Walters, and seconded by Councilmember Dan Loutzenhiser. There followed a Roll Call Vote with six (6) Councilmembers present:

CM Jacobson-yes, CM Loutzenhiser- yes, CM McIvor- yes, CM Miller- yes, CM Navock- yes, CM Walters- yes.

Yeas: <u>6</u>	Abstaining: <u>0</u>
Nays: <u>0</u>	Absent: <u>0</u>

A QUORUM BEING PRESENT – MOTION DECLARED CARRIED.

I, Kelly J. Pavel, City Clerk of the City of Brown City, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the government of the City of Brown City, County of Sanilac, State of Michigan at a regular meeting held on February 14, 2011, and 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 or have been made available as required by said Act.

Kelly J. Pavel
City Clerk
City of Brown City
Sanilac County, Michigan