

CITY OF HANCOCK

ORDINANCE #279

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF PERMITS OR LICENSES FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA, AND DECLARING AN EMERGENCY.

WHEREAS, the sale or dispensation of medical marihuana was not envisioned when the current Zoning Ordinance was adopted and the Zoning Ordinance does not currently address the use; and

BECAUSE, processing land use permit requests for land uses associated with the sale or dispensation of medical marihuana prior to the amendment of the Zoning Ordinance would be detrimental to the public health, safety, and welfare and would not ensure that the use is situated in appropriate locations and relationships; and

BECAUSE, the City desires to ascertain the best and safest path to comply with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq., and the Michigan Zoning Enabling Act, in order to protect the public health, safety, and welfare; and

BECAUSE, the City Council wishes there to be further study and the preparation of an ordinance in the very near future; and

BECAUSE, the City Council determines that it is desirable to immediately forbid the issuance of permits and licenses for land uses associated with the sale or dispensation of medical marihuana until an amendment to the Zoning Ordinance becomes effective; and

WHEREAS, the City Charter authorizes the City Council to enact ordinances immediately necessary for the preservation of the public health, peace, or safety on the date of introduction and give them immediate effect and the City Council determines that the following ordinance satisfies that requirement;

THE CITY OF HANCOCK HEREBY ORDAINS AS FOLLOWS:

Section (1) A moratorium is established on the issuance of all City permits, licenses and approvals, including building permits, land use permits and certificates of occupancy, in regard to land uses associated with the sale or dispensation of medical marihuana from the effective e date hereof, until October 20, 2011 or the effective of the adoption of a proper text amendments to the Zoning Ordinance and any necessary licensing requirements, whichever occurs first.

Section (2) All City Boards and Commissions are asked and authorized to give their analysis and recommendation regarding a zoning ordinance or licensing regulation concerning the sale and dispensation of medical marihuana top priority.

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Section (3) Such ordinance shall be deemed published as of the day of its adoption and approval by the City Council and the Clerk of Hancock is hereby authorized and ordered to insert such ordinance into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section (4) This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by Charter.

Section (5) This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2011.

Section 5. This ordinance was enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2011.

This ordinance shall take effect immediately from the date of adoption according to the Hancock City Charter.

Effective date: April 20, 2011.

Karen Haischer, CMC City Clerk

William Laitila, Mayor