

RESOLUTION 2019-20
(In Reference to Ordinance 2019-484)

Prohibition
Of Recreational Marihuana Establishments

Whereas, in November of 2018, Michigan voters approved the legalization of recreational marihuana hereinafter referred to as the **2018 Michigan Regulation and Taxation of Marihuana Act**, and

Whereas, prior to the approval of the **2018 Michigan Regulation and Taxation of Marihuana Act** Michigan voters and the Michigan legislature approved two (2) separate and independent statutes which govern medical marihuana only, to-wit: the **Michigan Medical Marihuana Act, Initiated Law 1 of 2008** legalizing medical marihuana and the **Michigan Medical Marihuana Facilities Licensing Act of 2016**; and

Whereas, proposed Township Ordinance 2019-484 entitled **Prohibition of Recreational Marihuana Establishments** applies only to commercial recreational marihuana businesses authorized by the **2018 Michigan Regulation and Taxation of Marihuana Act**, and

Whereas, proposed Township Ordinance 2019-484 does not affect medical marihuana patients' rights or medical marihuana caregivers' rights under the **2008 Medical Marihuana Ballot Initiative**, including an individual medical marihuana patient's right to grow up to twelve (12) marihuana plants for personal use or a medical marihuana caregivers right to grow up to seventy-two (72) plants for their patients and themselves, and;

Whereas, the focal point of proposed Township Ordinance 2019-484 concerns potential recreational marihuana businesses that could be located within the boundaries of the Charter Township of Ypsilanti ; and

Whereas, under the **2018 Michigan Regulation and Taxation of Marihuana Act**, a recreational marihuana business includes a number of different types of commercial enterprises which are as follows:

- (1) Recreational marihuana growers and sellers of up to 2,000 marihuana plants;
- (2) Recreational marihuana safety compliance facilities (defined as testing facilities for potency and presence of contaminants);
- (3) Recreational marihuana processors (preparation of marihuana plants by compounding, blending, extracting, and infusing marihuana);
- (4) Recreational marihuana microbusinesses (cultivates, processes, and packages up to 150 marihuana plants); and
- (5) Recreational marihuana retailer (retail sale of marihuana)
- (6) Recreational marihuana transporters (transports marihuana to and from other marihuana establishments); and

Whereas, under the **2018 Michigan Regulation and Taxation of Marihuana Act** the Michigan Department of Licensing and Regulatory Affairs (LARA) is responsible for adopting rules and regulations applicable to commercial recreational marihuana businesses; and

Whereas, LARA's initial meeting regarding the drafting of rules and regulations to govern recreational marihuana businesses pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act** was scheduled to convene during the week of **March 25, 2019**; and

Whereas, under Governor Gretchen Whitmer's recent executive order, a new State agency is expected to oversee the licensing of recreational marihuana businesses pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act** once the governing the rules and regulations have been properly promulgated and approved as required by the Act; and

Whereas, Municipalities have the right, under the **2018 Michigan Regulation and Taxation of Marihuana Act**, to decide whether commercial

recreational marihuana businesses are permitted within their communities and if they are permitted, the type or types of businesses so allowed, the zoning districts in which said businesses would be permitted as well as the enactment of other local regulations and requirements that would be deemed to be in the best interests of the community; and

Whereas, before the Ypsilanti Township Board of Trustees can consider the salient issues of whether commercial recreational marihuana businesses are in the best interests of the Township, and if so, the types of businesses that may be suited to the Township based upon the zoning district(s) for such businesses and whether other local regulations and requirements should be adopted, the Township Board needs to be fully apprised prior thereto of all of the rules and regulations that will be promulgated and adopted by LARA governing commercial recreational marihuana businesses pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act**; and

Whereas, pursuant to the **2018 Michigan Regulation and Taxation of Marihuana Act**, if the Township does not adopt an Ordinance prohibiting commercial recreational marihuana businesses, any commercial recreational marihuana business licensed by the State, is automatically allowed to operate within Ypsilanti Township; and

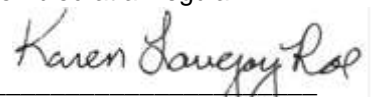
Whereas, in order to avoid a situation where a commercial recreational marihuana business is licensed by the State to operate within the Township, before the Township Board has carefully considered whether to allow the businesses to operate within the Township, the Township Board hereby determines that it is in the best interest of the Township to maintain the status quo until the State of Michigan by and through LARA adopts the required rules and regulations applicable to commercial recreational marihuana businesses so as to allow the Township Board an opportunity to carefully review the same;

Now Therefore,

Be it resolved, that Ordinance No. 2019- 484 prohibiting recreational marihuana establishments (businesses) within Ypsilanti Township as set forth in

the **2018 Michigan Regulation and Taxation of Marihuana Act** is hereby
adopted by reference.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2019-20 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on May 7, 2019.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti