

**ARLINGTON TOWNSHIP  
VAN BUREN COUNTY, MICHIGAN**

**RESOLUTION NO. 2019-619-1**

At a regular meeting of the Board of Trustees of Arlington Township, Van Buren County, Michigan, ("Township") held at the Township Hall on Wednesday, June 19, 2019.

PRESENT: Supervisor Jacque Phillippe; Clerk, William Pugsley; Treasurer, Philip Pitts; Trustee, Douglas DeLeo; Trustee, Georgette Peterson.

ABSENT: None

The following preamble and resolution were offered by Doug DeLeo and seconded by Georgette Peterson:

**RESOLUTION ESTABLISHING MORATORIUM REGARDING THE ESTABLISHMENT OF BUSINESSES  
ENGAGED IN THE GROWING OF MEDICAL MARIJUANA IN ARLINGTON TOWNSHIP**

WHEREAS, the use of medical marijuana for a debilitating medical condition is presently governed in Michigan pursuant to MCL 333.26423 et seq. and rules issued by the State Department of Community Health under MCL 333.26425, and MCL 333.27101 et seq., known as the Medical Marijuana Facilities Licensing Act (the "MMFLA");

WHEREAS, The MMFLA provides that the application process for a state operating license requires written approval by the municipality in which the marijuana facility is to be located and further provides that the municipality could enact an ordinance to authorize, and limit the number of one or more types of marijuana facilities within its boundaries; charge an annual local licensing fee; and enact other ordinances related to marijuana facilities such as zoning ordinances;

WHEREAS, the Township adopted the Medical Marijuana Facilities Ordinance, Ordinance No. 2018-02, wherein the Township authorized certain types of medical marijuana facilities;

WHEREAS, the number of Growing operations permitted by the Medical Marijuana Facilities Ordinance, Ordinance No. 2018-02 was not limited;

WHEREAS, as of June 4, 2019, the Township has granted 55 provisional licenses allowing for growing operations upon fewer than 20 parcels within the Agricultural zoning district of the Township affecting less than 1000 acres;

WHEREAS, the Township Planning Commission has recommended to this Board that it is desirous of further investigating the placement of any additional facilities on properties zoned Agricultural, including larger setbacks from residential zoned properties, evaluating administrative procedures and systems to process applications effectively given the volume of applications, to further consider impacts on the health, safety and welfare of Township residents and property owners, if any, and whether to place a cap or limit on the total number of licenses issued by the Township for Growing operations.

NOW, THEREFORE, upon motion by Doug DeLeo, supported by Georgette Peterson:

IT IS RESOLVED THAT, the following moratorium is implemented:

1. A moratorium applicable only to the Agricultural zoning district prohibiting the additional establishment of any marijuana facilities associated with the dispensing, distribution, selling, growing, or processing of marijuana other than at the residence of a qualifying patient who has been issued and possesses a registry identification card or at the residence of a qualified caregiver who has been issued and possesses a registry identification card as allowed and defined by Act 1 of 2008 Initiated Law of 2008 Michigan Medical Marihuana Act is hereby adopted, effective immediately upon the adoption of this resolution.
2. Effective immediately upon the adoption, this Moratorium shall remain in effect for 24 months.
3. This resolution does not restrict a licensed physician from prescribing marijuana compliant with state law.
4. This resolution shall not apply to those applications already filed with the Township nor prevent those with existing licenses/pending applications from seeking additional licenses on that property ("stacking").
5. Any and all resolutions in conflict herewith are repealed only to the extent necessary to give full force and effect to the foregoing provisions.

A vote on the foregoing resolution was taken and was as follows:

YES: Jacque Phillippe; William Pugsley; Philip Pitts; Douglas DeLeo; Georgette Peterson.

NO: None.

ABSENT: None.

RESOLUTION DECLARED: ADOPTED. [adopted/denied]

### CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board Trustees at a regular meeting thereof held on the date first stated above.

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William R. Pugsley, Township Clerk