

ORDINANCE NO. 1202

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD CHAPTER 878 TO THE LANSING CODIFIED ORDINANCES BY IMPOSING A MORATORIUM ON THE CREATION OF NEW MEDICAL MARIHUANA ESTABLISHMENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That chapter 878 be added to the codified ordinances of the City of Lansing, Michigan, to read as follows:

CHAPTER 878. MEDICAL MARIHUANA ESTABLISHMENTS

878.01. LEGISLATIVE FINDINGS

THE CITY COUNCIL HAS DETERMINED THAT:

(a) THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 *ET SEQ.*, PRESCRIBES HOW MEDICAL MARIHUANA IS TO BE DISPENSED FROM A PRIMARY CAREGIVER TO A QUALIFIED PATIENT.

(b) THE CITY IS DILIGENTLY STUDYING ITS OPTIONS WITH RESPECT TO REGULATION OF OTHER ACTIVITY RELATING TO THE PROVISION OF MEDICAL MARIHUANA PURSUANT TO THE MICHIGAN MEDICAL MARIHUANA ACT, WHICH REQUIRES CAREFUL CONSIDERATION OF THE MICHIGAN MEDICAL MARIHUANA ACT AND ITS IMPLICATIONS TO THE CITY.

(c) A MORATORIUM ON NEW MEDICAL MARIHUANA ESTABLISHMENTS STARTING OPERATIONS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, UNTIL THE CITY HAS COMPLETED ITS STUDY OF THE MICHIGAN MEDICAL MARIHUANA ACT AND ITS IMPLICATIONS FOR THE CITY, IS IN THE BEST INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(d) NO VESTED RIGHTS

A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR NON-CONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH THIS ORDINANCE OR ANY AMENDMENT OF THIS ORDINANCE OR ANY SUPERSEDING ORDINANCE.

878.02. DEFINITIONS

(1) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 *ET SEQ.*, SHALL HAVE THE MEANING GIVEN IN THE MICHIGAN MEDICAL MARIHUANA ACT.

(2) "MEDICAL MARIHUANA ESTABLISHMENT" MEANS ANY NONRESIDENTIAL LAND USE INVOLVING THE GROWTH, DISTRIBUTION, STORAGE, OR USE OF MARIHUANA.

(3) "NEW" MEANS ANY MEDICAL MARIHUANA ESTABLISHMENT THAT BEGAN OPERATING AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

(4) "OPERATING/OPERATIONS" MEANS ENGAGING IN THE PROVISION OR DISPENSING OF MEDICAL MARIHUANA.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.