

**CITY OF PORTAGE
RESOLUTION OF INTENT
REGARDING ADOPTION OF AN AUTHORIZING ORDINANCE
UNDER THE MEDICAL MARIHUANA FACILITIES LICENSING ACT**

Minutes of a special meeting of the Council for the City of Portage, Michigan, held on _____, 2017 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, Governor Snyder signed the Medical Marihuana Facilities Licensing Act (Act), an amendment to the MMMA and the Marihuana Tracking Act which all became effective December 20, 2016;

WHEREAS, The Act exempts those holding a state operating license from marihuana-related criminal or civil prosecution and penalties, and other sanctions, for performing activities within the scope of their license;

WHEREAS, The Act establishes a Medical Marihuana Licensing Board, a Marihuana Advisory Panel and requires the Department of Licensing and Regulatory Affairs (LARA) to promulgate rules, including emergency rules as necessary, to implement, administer and enforce the Act;

WHEREAS, the Act further prohibits operation of a medical marihuana facility without an authorizing ordinance adopted by the municipality;

WHEREAS, if the City chose not to pass an authorizing ordinance, Medical Marihuana Facilities would not be allowed to operate within the City limits;

WHEREAS, The Act provides that beginning 360 days from its effective date (December 15, 2017), a person may apply for and LARA will hear a request for a state operating license;

WHEREAS, LARA has initiated a pre-qualification process for all applicants for more efficient and effective processing of licensing requests;

WHEREAS, The Act requires LARA to promulgate rules as necessary to implement, administer and enforce the Act;

WHEREAS, LARA has promulgated the Emergency Rules on December 4, 2017 as required by the Act;

WHEREAS, before adopting an authorizing ordinance with regard to Medical Marihuana Facilities, the City Council desires to maintain consistency with State Law and the Emergency Rules for the protection of the health, safety and welfare of the citizens.

WHEREAS, in any event, applications cannot be taken under an authorizing ordinance until such time as LARA promulgates rules, accepts and reviews applications, and pre-qualifies applicants;

WHEREAS, a Committee of the Whole meeting was held on November 30, 2017 (before the Emergency Rules were issued) and another Committee of the Whole meeting is scheduled for December 19, 2017 for the purpose of advising Council of the substance of the Act and Emergency Rules, possible ordinance provisions and other issues and concerns regarding the adoption of an authorizing ordinance and zoning ordinance;

WHEREAS, the Council has also been advised regarding the numerous benefits of the adoption of an authorizing ordinance and zoning ordinance under the Act;

NOW, THEREFORE, BE IT RESOLVED, the Portage City Council intends to move forward in the development of an authorizing ordinance and zoning ordinance allowing for the location(s), type(s), and number of Medical Marihuana Facilities within the City under the Act with appropriate conditions, restrictions and limitations after the City Administration has the opportunity to review the Emergency Rules promulgated by LARA and after adequate input and investigation is conducted with regard to a proposed ordinance.

IT IS FURTHER RESOLVED that all resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED:

YEAS: Councilmember _____

NAYS: Councilmember _____

ABSENT: _____

RESOLUTION DECLARED ADOPTED.

Adam Herringa, City Clerk

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a special meeting of the City Council of said City, held on the ____ day of _____, 2017, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2017.

Adam Herringa, City Clerk

Approved as to form:

Date: 12/7/2017
RSB

City Attorney

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