

LEXINGTON TOWNSHIP

RESOLUTION 23-04

A RESOLUTION TO EXTEND THE EXISTING RESOLUTION 22-02 & 22-06  
MORATORIUM ON APPROVALS FOR  
THE CAREGIVER CULTIVATION OF MEDICAL MARIJUANA AND HIGH  
AMPERAGE ELECTRICAL SERVICE PERMITS THROUGH October 21, 2023

At a meeting of the Lexington Township Board held on the 23<sup>rd</sup> day of March, 2023, this resolution was offered by Jahn and supported by Rice:

**WHEREAS**, on April 21<sup>st</sup> 2022, the Township Board adopted a resolution imposing a moratorium on approvals for the caregiver cultivation of medical marijuana and high amperage electrical service permits.

**WHEREAS**, on March 23, 2023, the Township Board extended the length of the moratorium so that it is now set to expire on October 21, 2023.

**WHEREAS**, the Township Board has become aware of the intent of various individuals seeking to use vacant buildings and homes within the Township for the caregiver cultivation of marijuana for medical use; and

**WHEREAS**, the Township is vested with the authority to establish reasonable requirements and regulations in zoning various land uses in order to protect the health, welfare, and safety of Township residents; and

**WHEREAS**, the Michigan Supreme Court has ruled in *DuRuiter v Township of Byron*, 505 Mich 130 (2020), that the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended), does not nullify a municipality's inherent authority to regulate marijuana land uses under the Michigan Zoning Enabling Act: and

**WHEREAS**, currently, there are not any provisions in the Lexington Township Zoning Ordinance which explicitly regulate caregiver cultivation of marijuana for medical use: and

**WHEREAS**, the Township Board is concerned that without a moratorium any necessary amendments to the Zoning Ordinance could not be enacted in time to protect the health, welfare, and safety of the Township residents: and

**WHEREAS**, in order to protect the health, welfare, and safety of the Township residents, the Township Board wants to ensure that any necessary Zoning Ordinance amendments regarding the caregiver cultivation of marijuana for medical use has been properly enacted and become effective before any building permits, zoning permits, electrical permits, licenses, special land use applications, site plans, variances, or any other such approvals for any property within the Township are granted for any proposed caregiver cultivation of marijuana use operation and/or development project.

**NOW, THEREFORE, BE IT RESOLVED** that the Lexington Township Board hereby declares a moratorium on a temporary basis, on the establishment, placement, construction or enlargement of any caregiver cultivation of marijuana for medical use operations within the Township and also on the acceptance, reviewing, granting, and/or issuance of any building permits, zoning permits, licenses, special land use applications, site plans, variances, or any other such approvals for any property within the Township regarding any caregiver cultivation of medical marijuana for medical uses operations to allow time to amend the Township Zoning Ordinance to provide for appropriate regulations; and

**BE IT FURTHER RESOLVED** that the Lexington Township Board further declares a moratorium on approvals by any Lexington Township official for **electrical service permits in excess of 200 amperes**, in the event that an applicant can prove that the electrical service is needed for a legal use of the property and that the electrical service is not for the purpose of raising marijuana, the Township Board, by a majority vote, may approve such service.

**BE IT FURTHER RESOLVED** this moratorium shall remain in effect for a period of six (6) months following the adoption of this resolution or until Zoning Ordinance amendments containing regulations for the caregiver cultivation of marijuana for medical use regulations have been adopted and become effective in Lexington Township, whichever comes first.

**ROLL CALL VOTE**

AYES: Rice, Partaka, McAllister, and Jahn

NAYS: NA

ABSTAIN: NA

ABSENT: Milletics

The undersigned Clerk of Lexington Township hereby certifies that this Resolution was duly adopted by the Township Board at a meeting held on the 23rd day of March 2023.



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Doriann Rice. Clerk