

PARADISE TOWNSHIP
Ordinance No. 11-01
Effective Date: January 18, 2011

TITLE: ORDINANCE ESTABLISHING MORATORIUM ON THE ISSUANCE OF PERMITS OR LICENSES FOR THE SALE OR DISPENSATION OF MEDICAL MARIJUANA

BECAUSE, the voters by initiative passed the Michigan Medical Marijuana Act, found at MCL 333.26421, *et seq*, on or about November 2008;

BECAUSE, the sale or dispensation of medical marijuana was not envisioned when the current Zoning Ordinance was adopted and the Zoning Ordinance does not currently address the use; and

HOWEVER, the possession, sale, manufacture and distribution of marijuana is nevertheless still a criminal offense under the Federal laws, and further, that if the Township were to facilitate, aid or abet the possession, sale or manufacture or distribution of marijuana, the Township and its officials and employees could be liable as principals, co-conspirators, or aiders and abettors under Federal laws, including but not limited to the following: 18 USC § 2; 18 USC § 371; and 21 USC § 846; 21 USC § 9521; and

BECAUSE, State law has no power whatsoever to authorize a violation of Federal laws, nor does a State court have the ability to order a Township to violate Federal laws; and

BECAUSE, State law is pre-empted by Federal law in this area and thus is of “no effect”:

THE TOWNSHIP OF PARADISE ORDAINS AS FOLLOWS:

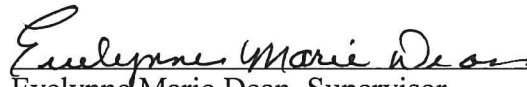
- Section 1 A moratorium is established on the issuance of all Township permits, licenses, and approvals, including building permits, land use permits, and certificates of occupancy, in regard to land uses associated with the possession, sale, manufacture, or distribution of marijuana.
- Section 2 It shall be unlawful for any person or business, including any home-based business of any fashion, to engage in any activity, conduct, use or venture in the Township that is contrary to Federal, State or Local laws, and any such activity is declared a nuisance per se and a nuisance pursuant to MCL 600.2940 and 600.3801.
- Section 3 This ordinance shall be given immediate effect.
- Section 4 Severance Clause: If any one (1) or more of the provisions of this Ordinance shall ever be held by any court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless

be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 5 Repeal Clause: Any and all Ordinances and Resolution heretofore adopted inconsistent herewith are hereby repealed to the extent that the provisions thereof are inconsistent with the provisions in this Ordinance.

Section 6 Adoption: This Ordinance is hereby declared to have been adopted by the Board of Trustees of Paradise Township at a meeting thereof duly called and held on the 18th day of January, 2011, and ordered to be given publication in the manner prescribed.

I hereby certify the above ordinance amendment was introduced, enacted and given immediate effect on January 18, 2011, at a regular meeting of the Township Board by a vote of Yes: 4 No: 1, Paradise Township Hall, Kingsley, Michigan.


Evelynne Marie Dean, Supervisor


Lisa Gulliver, Township Clerk