

**TOWNSHIP OF BIRCH RUN
COUNTY OF SAGINAW, STATE OF MICHIGAN
RESOLUTION NO. 2024-12**

MORATORIUM ON RECREATIONAL MARIHUANA LICENSES

At a duly scheduled meeting of the Township Board of Birch Run Township, Saginaw County, Michigan, (“Township”) held at 11935 Silver Creek Dr. Birch Run, Michigan 48415 on June 11th, 2024, at 7:00 p.m., Local Time.

PRESENT: Watts, K. Kiessling, Sheridan, D. Trinklein Jr., R. Kiessling, C. Trinklein

ABSENT: Letterman

The following resolution was offered by Board Member Sheridan and supported by Board Member K. Kiessling.

WHEREAS, the Birch Run Township Prohibition of Certain Types and Quantities of Recreational Marihuana Establishments Police Power Ordinance (Ordinance #2022-02) allows the Township to issue Recreational Marihuana Licenses to Recreational Marihuana Establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act; and

WHEREAS, the Township has applied Ordinance #2022-02 to Recreational Marihuana Establishments operating in the Township. Due to concerns from the public and Township officials about appropriate regulations to regulate the review, approval, issuance, and renewal of Township Operating Licenses to Marihuana retailers, the Township wishes to engage in a review of Ordinance #2022-02 and possibly revise regulations governing Recreational Marihuana Establishments; and

WHEREAS, Ordinance #2022-02 has caused issues of confusion among the public and regulated entities and has led to litigation with regulated entities concerning the application for and issuance of Recreational Marihuana Licenses; and

WHEREAS, the renewal and continuing regulation of Recreational Marihuana Licenses under Ordinance #2022-02 may be clarified and streamlined; and

WHEREAS, the legal understanding of how a municipality may regulate recreational marihuana license applications has evolved since Ordinance #2022-02 went into effect; *See Yellow Tail Ventures, Inc. v. City of Berkley*, 344 Mich App 689 (December 15, 2022); and

WHEREAS, it is appropriate to forestall further issues for the Township, review changes in the law regarding license applications, and to enact a temporary moratorium on the review, approval, issuance, and renewal of local Recreational Marihuana Licenses for Recreational Marihuana Establishments; and

WHEREAS, the Township Board finds that it is necessary and reasonable to establish a temporary moratorium on the approval, review, issuance, and renewal of Recreational Marihuana Licenses for Recreational Marihuana Establishments; and

WHEREAS, the Township Board finds that the adoption and immediate effectiveness of this resolution is necessary to preserve the public safety, health, and welfare of the Township to ensure appropriate approval, review, issuance, and renewal of Marihuana Licenses for Recreational Marihuana Establishments.

NOW THEREFORE, BE IT RESOLVED, by the Township Board of Birch Run Township, Saginaw County, Michigan, that the following moratorium on the review, approval, issuance, and renewal of Recreational Marihuana Licenses is hereby adopted:

1. **MORATORIUM.** The review, approval, issuance, and renewals of Recreational Marihuana Licenses for Recreational Marihuana Establishments is temporarily prohibited. No applications for local licenses shall be accepted during the term of this this moratorium. This moratorium will have no effect on applications for Adult-Use/Recreational Marihuana Licenses or requests for license renewals made before the effective date of this Resolution.
2. **TERM.** This Resolution shall terminate and be of no further effect after Sunday, December 1, 2024 which is not more than one hundred and eighty (180) days from the effective date of this Resolution. The Township Board may extend or earlier terminate this moratorium.
3. **REPEAL.** All resolutions or parts of resolutions in conflict herewith are hereby repealed only to the extent necessary to give this Resolution full force and effect.
4. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption by the Township Board.

ROLL CALL VOTE:

YEAS: Watts, K. Kiessling, Sheridan, D. Trinklein Jr., R. Kiessling, C. Trinklein

NAYS: None

ABSENT: Letterman

RESOLUTION DECLARED ADOPTED.

Ray Letterman, Township Supervisor

CERTIFICATION

I hereby certify that:

The above is a true copy of a Resolution adopted by the Birch Run Township Board at a duly scheduled and noticed meeting of the Township Board held on June 11th, 2024, pursuant to the required statutory procedures.

ATTESTED:

Riely Kiessling, Birch Run Township Clerk