



Legislation Text

File #: 12-0319, **Version:** 3

Resolution to Delay Certain Enforcement Activities against Medical Marijuana Dispensaries and Cultivation Facilities

During the discussions the Council held prior to voting on the zoning and licensing ordinances regarding medical marijuana, Council members consistently advocated for language that guaranteed patient safety, registered patient and caregiver protections, and that dispensary operators (owners and managers) could be held legally accountable for operating in compliance with the MMMA.

The Council did not define a mechanism for operating in compliance with the MMMA. When staff members began receiving applications for medical marijuana dispensary and cultivation facility licenses, it was determined by staff that the staff had to confirm that dispensary operations were legal, and that each dispensary was operating legally.

This placed an undue and unanticipated burden on staff.

The Medical Marijuana Licensing Board (report attached) discussed this burden over the course of their meetings between October and January, and determined that some changes to the ordinances could clarify staff role and responsibilities. These amendments to ordinances will be submitted for Council approval or rejection during the course of the next few meetings.

In the meantime, the City Attorney's office is requesting increased information from all dispensaries.

The Medical Marijuana Licensing Board requests that the Council clarify their expectations of the City Attorney's responsibilities, and that the City Attorney delay any further action regarding medical marijuana dispensaries and cultivation facilities, except for claims that they are in the wrong zoning district, until after the Council decides about amending the ordinances.

Whereas, The Medical Marijuana Licensing Board has recommended changes in 5:50.1 to Chapter 55 (Zoning) of Title V of the code of the City of Ann Arbor;

Whereas, The Medical Marijuana Licensing Board has recommended changes in Chapter 95 to Title VII (Businesses and Trades) of the Code of the City of Ann Arbor;

Whereas, Approval of these changes could result in changing staff responsibilities regarding medical marijuana dispensaries; and

Whereas, Approval of changes to Chapter 55 (Zoning) and Chapter 95 (Medical Marijuana Licenses) is pending;

RESOLVED, That the City Attorney is to delay all enforcement of Medical Marijuana Act and the licensing and zoning ordinances against medical marijuana dispensaries and cultivation facilities that the Licensing Board has recommended for licensing and that the Licensing Board found to be in operation prior to August 5, 2010, except for claims that they violate Section 5:50.1(3) of the City

Code, until the Council amends or rejects amendments to the zoning and licensing ordinances for medical marijuana;

RESOLVED, That the Council will discuss and decide on those amendments on or before July 16, 2012; and

RESOLVED, That this resolution may be rescinded or amended by the City Council at any regular meeting or at any special meeting called for that purpose.

Note: This resolution was amended by Ann Arbor City Council on April 2, 2012 and later TABLED at that same meeting.