



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1398**

An ordinance to impose a moratorium on the issuance of marihuana business permits within the City of Ypsilanti for a period of 180 days

WHEREAS the City of Ypsilanti has ordinances allowing granting of permits for marihuana business, and

WHEREAS, a number of marihuana business licenses have been granted, and

WHEREAS State laws have rules have changed over time, and

WHEREAS, the Michigan courts have issued several opinions and court orders concerning marihuana and a number of other cases are moving through the court system, and

WHEREAS, the City of Ypsilanti has been involved in marihuana business licensing litigation, and

WHEREAS, there is legislation proposed in the State legislature that could have an impact on Michigan marihuana licensing, and

WHEREAS, the city is reviewing the number of permits and licenses and location and buffers of permits allowed in the city, and

WHEREAS The City needs to further study the number and location of marihuana business permits in depth, and the City of Ypsilanti Zoning Ordinance to ascertain and determine the best and safest path, method, legislation and action to continuing compliance with the Michigan Marihuana Law in order to protect the public health, safety, and welfare; and

WHEREAS City staff estimates and requests 180 days to continue and complete the review and study, and

WHEREAS the City Council determines that it is desirable to immediately and temporarily suspend the issuance of marihuana business permits until such further review, study and legislation is completed, and

WHEREAS Council is empowered to enact ordinances with immediate necessity for the public health, safety, and welfare, and to be adopted at a session at which it is first introduced and the City Council determines that the following ordinance satisfies that requirement, and

WHEREAS, Council declares this ordinance to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety or welfare for the facts and circumstances set forth above:

1. THE CITY OF YPSILANTI ORDAINS That a moratorium is hereby imposed on the issuance of any and all marihuana business permits for a period of 180 days.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 9th DAY OF AUGUST, 2022.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1398 was published in Washtenaw Legal News on the 18th day of August, 2022.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 9th day of August 2022.

Andrew Hellenga, City Clerk

Notice Published: July 31, 2022

First Reading: August 9, 2022 Emergency Ordinance

Published: August 18, 2022

Effective Date: Immediate