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candgnews.com

APRIL 13, 2016

Vol. 25, No. 15

Shelby - Utica News



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Shelby extends medical marijuana moratorium

Prior moratorium extension was set to expire April 17

BY SARAH WOJCIK
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SHELBY TOWNSHIP — On April 5, the Board of Trustees voted unanimously to extend its moratorium on medical marijuana dispensaries in Shelby Township for the second time since it was adopted in February 2015 at the request of Police Chief Robert Shelide.

Township Attorney Rob Huth said the six-month extension intends to limit the sale, growth and distribution of marijuana, as well as the presence

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Marijuana

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of medical marijuana dispensaries in the township until legislators clarify state law.

Huth said the Medical Marijuana Act, passed by Michigan voters in 2008, does not provide guidance pertaining to medical marijuana dispensaries.

"We needed this (moratorium extension before) because state law was in flux," he said. "It was in flux then and it still is."

Huth said there are currently two petitions that may obtain enough signatures to place the medical marijuana dispensary issue on the November ballot. There are also a number of bills that the state Legislature is considering regarding marijuana dispensaries, growth and distribution, he said.

"I'm asking for a (moratorium extension) so that we can draft ordinances here in the township that mirror the state law in Michigan," Huth said. "As it is now, it certainly is not clear with what is allowed and what is not, and I think this would give us the opportunity to do the right thing."

Shyler Engel, an attorney who said he primarily practices medical marijuana defense, spoke before board members to encourage them not to extend the moratorium or at least adjourn the item for further consideration.

"There's no statutory authority for the township to actually have a moratorium," Engel said. "A moratorium is something that's supposed to be definitive and have a cutoff time. Merely extending that same cutoff time is an indefinite moratorium."

Engel said the Court of Appeals requires that the moratorium be drafted to address an immediate and specific harm to public health, but that the township's moratorium was not drafted that way.

"In fact, the Michigan marijuana act preface says this is a public health matter in that this does provide relief to people," he said.

Engel gave examples of municipalities that had adopted ordinances to regulate medical marijuana dispensaries, including Rochester, Warren, Lansing and

Grand Rapids.

"(People) are selling marijuana in your neighborhoods," he said. "This is the exact reason why the city of Warren passed their ordinance."

Engel said that by allowing medical marijuana dispensaries to operate in industrial zones of Shelby Township, the board could better control marijuana exchanges and the quality of the dispensaries.

Huth said that the township would "absolutely look at anything you or a client brought to the township" in order to "do our duty to keep this township out of litigation."

"We had a well-publicized case in the last six months of somebody attempting to set up a (medical marijuana dispensary in Shelby Township) and a number of juris-

dictions shutting it down," Huth said.

On Jan. 28, five suspects were arraigned on multiple counts of delivery of marijuana, possession with intent to deliver marijuana, and conspiracy charges in connection to an allegedly illegal marijuana dispensary.

Police said the suspects were running a marijuana dispensary, which is not allowed under Shelby Township's ordinance, under the guise of a medical supply store called Advance Medical Supply at 51310 Van Dyke Ave., north of 23 Mile Road.

"As a municipality, we need guidance and the legislators to tell us what should be allowed going forward," Huth said.

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