

**NEW BUFFALO TOWNSHIP  
TOWNSHIP BOARD OF TRUSTEES  
ORDINANCE NO. 2024-03-14**

**ORDINANCE IMPOSING TEMPORARY MORATORIUM ON MEDICAL AND  
ADULT-USE MARIHUANA ESTABLISHMENT APPLICATIONS,  
APPROVALS, AND LICENSES**

**THE TOWNSHIP OF NEW BUFFALO ORDAINS:**

**Section 1. Definitions.**

The terms used in this Ordinance have the meanings set forth in Chapter 27 of the Township Code of Ordinances.

**Section 2. Purpose and Findings.**

- A. New Buffalo Township previously adopted Chapter 257 of its Code of Ordinances, entitled “Marihuana,” and Section 455-5.22 of its Zoning Ordinance, entitled “Marihuana Businesses,” which together regulate medical marihuana facilities and adult-use marihuana establishments in the Township.
- B. Based on concerns that have arisen during the first several months of the licensing and approval process, the Township Planning Commission wishes to consider recommending amendments to the zoning regulations for medical marihuana facilities and adult-use marihuana establishments in the Township, including the permissible locations for these land uses and the maximum number of permitted facilities and establishments.
- C. The Township is authorized by law to adopt a temporary moratorium on approvals for particular land uses or developments. *See Tahoe-Sierra Pres Board, Inc v Tahoe Reg'l Planning Agency*, 535 US 302, 338 (2002) (recognizing that moratoria are “used widely among land-use planners to preserve the status quo while formulating a more permanent development strategy” and that moratoria are “an essential tool of successful development”). Such moratorium may be imposed by the Township Board as an exercise of its police powers. *Moskovic v City of New Buffalo*, No. 1:21-CV-144, 2021 WL 1422680, at \*3 (WD Mich, April 15, 2021).
- D. Imposing a temporary moratorium on marihuana facility and establishment applications and approvals is reasonable and necessary to allow the Planning Commission and Township Board sufficient time to explore, analyze, research, and develop any appropriate amendments to the Township’s Code of Ordinances and Zoning Ordinance related to medical marihuana facilities and adult-use marihuana establishments.

**Section 3. Moratorium.**

A moratorium is hereby imposed on the acceptance or processing of applications for medical marihuana facilities or adult-use marihuana establishments (including special land use permit applications) and on the issuance of permits, licenses, or approvals for any medical marihuana facility or adult-use marihuana establishment in the Township.

This moratorium does not apply to any medical marihuana facilities or adult-use marihuana establishments that have submitted applications to the Township on or before March 18, 2024, at 4:00 p.m. Partial applications without site plans will be accepted until March 18, 2024, at 4:00 p.m. If an application is submitted on or before March 18, 2024 at 4:00 p.m. but is deemed incomplete by the Township, then the applicant may supplement the application until 4:00 p.m. on June 3, 2024. While the moratorium is in effect, no new applications will be accepted after March 18, 2024, at 4:00 p.m.

**Section 4. Term of Moratorium.**

This moratorium remains in effect for **12 months** following the effective date of this Ordinance. Before the moratorium expires, the Township Board may, by resolution, extend the moratorium for up to six additional months. If an extension is adopted, the Township will publish notice of the extension.

**Section 5. Validity and Severability.**

Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

**Section 7. Effective Date.**

This Ordinance is effective immediately after publication.

**Section 8. Repeal.**

This Ordinance does not repeal any provisions of the Code of Ordinances or Zoning Ordinance.

YEAS: Board Member(s) Hannon, Heit, Iuzzetto, Rahm, Rogers

NAYS: Board Member(s) Ø

ABSTAIN: Board Member(s) Ø

ABSENT: Board Member(s) Ø

**CERTIFICATION**

As the Township Clerk of New Buffalo Township, Berrien County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting held on March 14, 2024.

Date: March 14, 2024

  
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Township Clerk

Introduced: March 14, 2024

Adopted: March 14, 2024

Published: March 16, 2024

Effective: March 16, 2024