

**RESOLUTION**

**TO PLACE A REFERENDUM ON BALLOT TO REPEAL ORDINANCE NO. 31-15,  
THE MEDICAL MARIHUANA ZONING ORDINANCE AMENDMENT,  
IN ACCORDANCE WITH SECTION 12-110 OF THE 2012 CITY CHARTER**

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**BY COUNCIL PRESIDENT PRO-TEMPORE CUSHINGBERRY:**

**WHEREAS**, on December 17, 2015 the Detroit City Council passed Ordinance No. 31-15, which amended Chapter 61 of the 1984 Detroit City Code, ‘Zoning’ to provide for zoning regulation of medical marihuana caregiver centers, with an effective date of March 1, 2016; and

**WHEREAS**, Ordinance No. 31-15 was approved by the Mayor on December 21, 2015; and

**WHEREAS**, notice of enactment of Ordinance No. 31-15 was published in the Detroit Legal News on January 19, 2016; and

**WHEREAS**, Section 12-101 of the 2012 City Charter, “Initiative and Referendum”, states in relevant part that “[t]he voters of the city reserve . . . the power to nullify ordinances, enacted by the city, called the ‘referendum’ . . .”; and

**WHEREAS**, the Detroit City Council does not wish to repeal Ordinance No. 31-15 but instead desires that a referendum on the Ordinance No. 31-15 be submitted to the voters of the City of Detroit at the first available opportunity; and

**WHEREAS**, Section 12-110 of the 2012 City Charter, “Submission by Council”, states in relevant part that “[t]he City Council may, on its own motion, submit any . . . proposal for the repeal . . . of any ordinance to the voters in the manner and with the effect provided in this chapter for submission of proposals initiated by petition”; and

**WHEREAS**, Section 12-108 of the 2012 City Charter, “Submission to Election Commission and Voters”, states in relevant part that

“[t]he Election Commission shall make a determination as to whether the question can lawfully be placed on the ballot and [if] there is no legal impediment to placing the measure on the ballot, the Election Commission shall place the question on the ballot and submit the measure to the voters in accordance with the applicable requirements of Michigan Election Law, MCL 168.1, et seq.

“If a measure must be submitted to the voters, it shall be submitted:

“1. In the case of [a] referendum, at the next election in the city, or, in the discretion of the City Council, at a special election, subject to applicable provisions of the Michigan Election Law, MCL 168.1, et seq. . . .”; and

**WHEREAS**, Section 646a of the Michigan Election Law, MCL 168.646a, requires that a ballot question must be certified to the clerk not later than 4:00 pm of the twelfth Tuesday (84 days) before the election; and

**WHEREAS**, the next scheduled election in the city more than 84 days away is the state primary election on August 2, 2016; and

**WHEREAS**, the twelfth Tuesday before August 2, 2016 is May 10, 2016; and

**WHEREAS**, in order for the Detroit Election Commission to have sufficient time to review and certify the ballot question, the City Council desires that this resolution be adopted and forwarded to the Detroit Election Commission no later than April 19, 2016, which is three weeks before the certification deadline of May 10, 2016;

**NOW THEREFORE BE IT RESOLVED**, that the following referendum question shall be submitted to the voters of the City of Detroit at the August 2, 2016 State Primary Election:

“A referendum **to repeal** City of Detroit Ordinance No. 31-15, which amended the zoning ordinance to permit medical marihuana caregiver centers as a conditional use in most B2, B4, M1, M2, M3 and M4 zoning districts, to prohibit them within drug-free zones, to include spacing requirements, to provide for cultivation of medical marihuana as a home occupation, and to include certain other related provisions.

**SHALL THIS REFERENDUM BE ADOPTED?**

**YES (to repeal the ordinance) [ ]**

**NO (to keep the ordinance) [ ]**”; and

**BE IT FURTHER RESOLVED**, in order to comply with Section 646a of the Michigan Election Law, MCL 168.646a, prior to the close of business on April 19, 2016, a copy of this resolution shall be transmitted to the City of Detroit Election Commission to certify this question to the County of Wayne for placement on the August 2, 2016 ballot.