

Resolution No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**RESOLUTION 5-18**

**A Resolution imposing a Moratorium for a period not to exceed ninety (90) days from the effective date of this Resolution on the issuance and processing of any permits allowing retail dispensaries, cultivators, or processors of medical marijuana within the City of Orrville, State of Ohio, and declaring an emergency.**

WHEREAS, Substitute House Bill 523, which is the Bill legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, became effective September 8, 2016; and

WHEREAS, for the purposes of this Resolution, the definitions of "cultivators", "processors", and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter was effective September 8, 2016; and

WHEREAS, Substitute House Bill 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates State regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Orrville; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, City Council seeks time to undertake a review of all applicable State and local codes to formulate a response including whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within the City of Orrville, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, City staff will require additional time to review and make recommendations on zoning, prohibition, and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Orrville and help ensure the public peace, health, safety and welfare of its citizens; and

WHEREAS, a moratorium of not more than three hundred sixty five (365) days on the processing or granting of permits for medical marijuana-related businesses in the City of Orrville will allow City Council time to accomplish the City's goals and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, this Council previously passed a one hundred eighty (180) day moratorium on October 17, 2016, which expired April 15, 2017, and a three hundred sixty five (365) day moratorium on April 3, 2017, that will expire on April 3, 2018. Additional time is needed to evaluate Ohio law and procedure.

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**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, State of Ohio, that:**

SECTION ONE: City Council hereby imposes a moratorium not to exceed ninety (90) days from the effective date of this Resolution on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is so that City Council, Mayor, and staff may study the new law, applicable State codes and the related issues, and determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Orrville and to prepare any necessary related regulations.

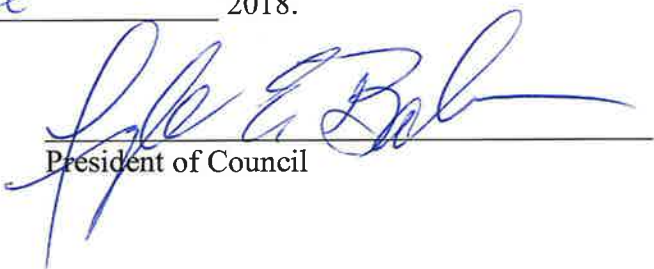
SECTION TWO: City Council seeks to limit the duration of the moratorium to immediately undertake a review of the new law and related issues; Council will then consider new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

SECTION THREE: That during the period of the moratorium, no zoning permit, building permit, certificate of occupancy, or any other permit shall be granted to a business for opening, using any land, or devoting any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana. During the period of the moratorium, no existing business in the City may establish cultivation, processing, or retail sale of medical marijuana.

SECTION FOUR: That for the purpose of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

SECTION FIVE: That this Resolution is hereby declared to be an emergency measure, the emergency being the need to institute the moratorium at the earliest possible date because Chapter 3796 of the Revised Code became effective on September 8, 2016, thus for the health, safety, and welfare of the public swift action is necessary. Therefore, this Resolution shall go into immediate force and effect from and after its passage and approval by the Mayor.

Passed this 2 day of April 2018.

  
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President of Council

Attest:

  
\_\_\_\_\_  
Clerk of Council

Approved:

  
\_\_\_\_\_  
Mayor

4/2/18  
\_\_\_\_\_  
Date