

RESOLUTION NO. 47-2016

INTRODUCED BY: MAYOR ANN MARIE DONEGAN

A RESOLUTION IMPOSING A MORATORIUM OF SIX MONTHS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF OLMSTED FALLS, 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 is effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licenses under Ohio Revised Code Section 2796.29 in the City of Olmsted Falls; and

WHEREAS, Council of the City of Olmsted Falls seeks time to study 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 Olmsted Falls, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, The Administration 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 Olmsted Falls and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, A moratorium of six months on the granting of permits for medical marijuana-related businesses in the City of Olmsted Falls will allow Council time to accomplish the city’s goals and help ensure the public peace, health, safety, and welfare of its citizens. Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. The Council of the City of Olmsted Falls hereby imposes a moratorium of six months on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is so that the Administration may study the new law and the related issues and then determine whether to limit or entirely

prohibit cultivators, processors, and retail dispensaries in the City of Olmsted Falls and to prepare any necessary, related regulations.

SECTION 2. Council seeks to limit the duration of the moratorium and to instruct the Mayor and Administration to immediately undertake a review of the new law and related issues; the Administration will then recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

SECTION 3. Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the City of Olmsted Falls during the 6-month moratorium.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the further reason that it is immediately necessary to impose a moratorium of six months on the granting of permits for medical marijuana-related businesses in the City of Olmsted Falls in order to allow Council time to accomplish the city's goals as stated above. It shall therefore take effect immediately upon passage by the affirmative vote of no less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Jay Linn, Council President

PASSED: _____

APPROVED: _____

Ann Marie Donegan, Mayor

Date

APPROVED AS TO FORM: _____

Gregory M. Sponseller, Director of Law

ATTEST: _____

Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____