

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading <u> X </u>	Waiver 3-Reading Rule <u> </u>
ORDINANCE NO: <u> 2017-2-8 </u>	Yes <u> X </u>	Second Reading <u> </u>	Yes <u> </u>
INTRODUCED BY <u> D. POLYAK </u>	No <u> </u>	Third Reading <u> </u>	No <u> </u>

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OR PROCESSING OF ANY LICENSE, BUILDING PERMIT, CERTIFICATE OF OCCUPANCY, CONDITIONAL USE OR OTHER AUTHORIZATION THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR DISPENSING OF MEDICAL MARIJUANA WITHIN THE VILLAGE OF BOSTON HEIGHTS FOR A PERIOD OF ONE YEAR IN ORDER TO ENABLE THE VILLAGE TO STUDY AND REVIEW THE NEW OHIO MEDICAL MARIJUANA LAW AND DECLARING AN EMERGENCY

WHEREAS, Substitute House Bill 523 (codified as Ohio Revised Code Chapter 3796, sometimes referred to as “Ohio Medical Marijuana Law”) was passed by the Ohio General Assembly and became effective on September 8, 2016; and,

WHEREAS, the provisions of Chapter 3796 of the Ohio Revised Code, among other things, permit patients in Ohio to use medical marijuana on the recommendation of a licensed physician; create state regulatory oversight of the cultivation, processing, retail dispensing, use and physician recommendation of medical marijuana; and prohibit a cultivator, processor, or retail dispensary or laboratory from being located within 500 feet of a school, church, or a public library, playground or park; and,

WHEREAS, unless otherwise indicated, the terms used in this ordinance shall have the same meaning as those found in Chapter 3796 of the Ohio Revised Code; and,

WHEREAS, Ohio Revised Code Section 3796.29 explicitly grants authority to the legislative authority of a municipal corporation to adopt an ordinance to entirely prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed by the State to grow, process or sell medical marijuana within the limits of such municipalities; and,

WHEREAS, the administration, Planning Commission, and Council of the Village of Boston Heights require additional time to undertake a review of the applicable law and formulate a local response to the Ohio Medical Marijuana Law, with respect to zoning, licensing, and other local regulation of medical marijuana; and,

WHEREAS, a one-year moratorium on the issuance of any authorization that would enable the cultivation, processing, or dispensing of medical marijuana will provide the Village with the time needed to conduct necessary research and planning and determine whether to limit or prohibit the cultivation, processing or dispensing of medical marijuana within the Village and determine the appropriate locations, if any, for any such activity in the Village; and,

WHEREAS, this moratorium will advance the public health, safety, welfare, comfort and peace of the citizens of the Village and provide for the efficient and effective functioning of Village government, planning and regulation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That pursuant to the Village's authority under the Ohio Constitution, the Ohio Revised Code, a moratorium be, and is hereby imposed, on the issuance or processing of any license, building permit, certificate of occupancy, conditional use or other authorization that would enable the cultivation, processing, or dispensing of medical marijuana within the municipal limits of the Village of Boston Heights.

Section 2: That the moratorium referred to in Section 1 of this Ordinance, shall be in effect starting February 28, 2017 and continuing for a period of one-year following said effective date of this Ordinance, unless otherwise expressly extended or revoked by this Council.

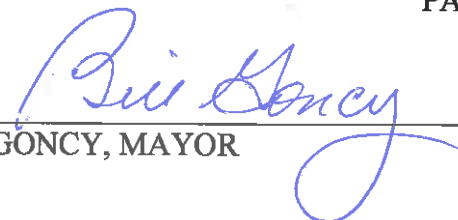
Section 3: That the terms used in this Ordinance shall be given the definitions found in Ohio Revised Code Chapter 3796, as and when applicable.

Section 4: That the Mayor, Zoning Inspector, Fiscal Officer, Solicitor, Village Planning Commission, and other such Village officials, boards and commissions, as appropriate, be and are hereby authorized to take all such actions necessary to implement the moratorium imposed by this ordinance and which are incidental to carrying out the purposes of this Ordinance.

Section 5: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that the moratorium imposed by this Ordinance will provide the Village administration, Planning Commission and Council the time needed to study and review the Ohio Medical Marijuana Law and recommended and implement appropriate changes to the Codified Ordinances of the Village, and amend or enact other reasonable regulations; and provided this Ordinance receives the affirmative vote of two-thirds of the members of Council, it shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force at the earliest time allowed by law.

PASSED:



BILL GONCY, MAYOR

ATTEST:


BETTY KLINGENBERG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance **2017-2-8** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **14th day of February, 2017.**