

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30050

Ordinance No. 3604

Passed February 28, 2017

**AN ORDINANCE IMPOSING A NINE MONTH MORATORIUM, FROM THE EFFECTIVE DATE OF THIS ORDINANCE, ON THE ISSUANCE AND PROCESSING OF PERMITS, OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF MEDICAL MARIJUANA, TO ALLOW CITY COUNCIL TIME TO STUDY AND REVIEW THE CURRENT APPLICABLE STATUTES AND THE FORTHCOMING RULES TO BE ADOPTED ON OR ABOUT SEPTEMBER 8, 2017; AND DECLARING AN EMERGENCY.**

*WHEREAS*, Substitute House Bill 523 was signed into law and became effective September 8, 2016, Ohio Revised Code 3796 entitled Medical Marijuana Control Program; and

*WHEREAS*, Ohio Revised Code 3796, provides in part, to permit the cultivation, processing, retail dispensing and use of medical marijuana; and

*WHEREAS*, Ohio Revised Code Section 3796.29 provides that the legislative authority of a municipal corporation may adopt an ordinance to prohibit, or limit the number of cultivators, processors or retail dispensaries licensed under Chapter 3796 within the municipal corporation; and

*WHEREAS*, the Ohio Department of Commerce and the Ohio Board of Pharmacy are required to have the program rules drafted and adopted by September 8, 2017; and

*WHEREAS*, a nine month moratorium on granting permits for cultivating, processing or retail dispensing for medical marijuana related businesses in the city will allow Council and staff adequate time to review the current law and the forthcoming rules of implementation to determine whether or not to limit or entirely prohibit the cultivation, processing and or dispensing of medical marijuana in accordance with Ohio Revised Code Section 3769.29 to ensure the public health, safety, and welfare.

*NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON, OHIO HEREBY ORDAINS:*

Section 1. That the City Council hereby imposes a nine month moratorium on granting building permits or certificates of occupancy for any building or the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of the moratorium is to allow Council and staff time to study the law and rules of implementation to determine whether or not to limit or entirely prohibit cultivators, processors, and retail dispensaries in the city in order to ensure the public health, safety, and welfare.

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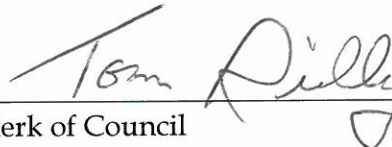
Section 2. That City Council hereby directs that no building permits, certificates of occupancy or any other permits shall be granted to anyone for the ultimate purpose to cultivate, process or dispense medical marijuana in the city during the nine month moratorium.

Section 3. That it is hereby found and determined that all formal actions of Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and or any committees that resulted in formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public health, safety, and welfare.

Passed: February 28, 2017

  
Mayor

Attest:   
Clerk of Council

Effective Date: February 28, 2017