

RECORD OF ORDINANCES

Ordinance No. 3763

Passed: December 12, 2023

AN ORDINANCE IMPOSING A NINE MONTH MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS FOR DISPENSARIES, CULTIVATORS OR PROCESSORS OF ADULT USE CANNABIS WITHIN THE CITY OF WEST CARROLLTON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 which enacts Ohio Revised Code Chapter 3780 authorizing the cultivation, sale and processing of adult use of cannabis; and

WHEREAS, Section 3708.03 provides that a newly created Division of Cannabis shall have 9 months to adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors and retailers; and

WHEREAS, members of the Ohio General Assembly have expressed an intention to amend or revise Chapter 3780 but have not yet clarified to what extent or impact any revision or amendment will have on the current Chapter as written; and

WHEREAS, Ohio Revised Code Chapter 3780 authorizes municipalities to entirely prohibit or limit the number of adult use cannabis operators; and

WHEREAS, Article 18 of the Ohio State Constitution grants authority to municipalities to exercise all powers of local self-government, including the ability to limit land use; and

WHEREAS, City staff requires time to review all the forthcoming rules and regulations from the Division of Cannabis as well as any modifications from the Ohio General Assembly in order to make informed recommendations to City Council as to the impact of allowing, limiting or prohibiting adult use cannabis operators within City limits; and

WHEREAS, City Council has determined it to be in the best interest for the health, safety and welfare for the citizens of West Carrollton to impose a nine (9) month moratorium on the issuance and processing of permits for the cultivation, processing, and retail dispensing of adult use cannabis to provide City staff an opportunity to study the adopted rules and any amendments to Ohio Revised Code Chapter 3780.

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

SECTION 1: City Council imposes a nine (9) month moratorium on adult use cannabis businesses including operators, cultivators, and retailers for the purpose of providing City Staff time to review Ohio Revised Code Chapter 3780, all forthcoming regulations and any amendments to Chapter 3780 in order to make a recommendation to City Council as

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to the impact adult use cannabis business will have on the community and whether to allow, limit or prohibit them within the City of West Carrollton.

SECTION 2: That City Council hereby directs City staff to not issue or process any permits, applications or approvals for any cannabis business including cultivators, processors or adult use dispensaries within the municipality during the moratorium period.

SECTION 3: City Council hereby directs City staff to review Ohio Revised Code Chapter 3780, the forthcoming rules and regulations and any subsequent amendments to the Chapter and then provide recommendations to City Council as to whether to allow, limit or prohibit adult use cannabis businesses within the City.

SECTION 4: 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 required formal action were in meetings open to the public, in compliance with all legal requirements including Section 121 of the Ohio Revised Code.

SECTION 5: That this Ordinance is declared to be an emergency measure necessary to provide for the public health, safety and welfare of the citizens of West Carrollton, and therefore shall take effect immediately upon passage.

Passed: December 12, 2023



Mayor

Attest:



Clerk of Council

Effective Date: December 12, 2023

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CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the foregoing is a true and correct copy of Ordinance 3761, passed by said Council on the day of _____, 2023.

Clerk of Council

Dated: _____