

EXHIBIT A

ADD NEW CHAPTER

TITLE IX. GENERAL REGULATIONS

CHAPTER 89: MARIJUANA USAGE AND CONTROL

Section

§ 89.01 Definitions.

§ 89.02 Homegrown and adult-use marijuana.

§ 89.03 Prohibitions.

§ 89.04 Penalty.

§ 89.01 Definitions.

As used in this chapter:

(A) "Marijuana" means marijuana as defined in section 3796.01(A)(1) of the Ohio Revised Code. As used in this chapter, the terms "marijuana" and "cannabis" are synonymous.

(B) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose. "Medical marijuana" does not include adult-use marijuana or homegrown marijuana as those terms are defined in section 3796.01 of the Ohio Revised Code.

(C) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, and adult-use consumer, in accordance with Chapter 3796 of the Ohio Revised Code. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana.

(D) "Adult-use consumer" means an individual who is at least twenty-one years of age.

(E) "Homegrown marijuana" means marijuana that is cultivated, grown, processed, or possessed by an adult-use consumer in accordance with section 3796.04 of the Ohio Revised Code. Homegrown marijuana does not include medical marijuana or adult-use marijuana.

§ 89.02 Homegrown and adult-use marijuana.

Notwithstanding any conflicting provision in this Code or the Ohio Revised Code, an adult-use consumer in the City of West Carrollton, may do all of the following:

- (1) Cultivate, grow, and possess homegrown marijuana plants at the adult-use consumer's primary residence, if all of the following apply:
 - a. Not more than six homegrown marijuana plants are cultivated or grown by each adult-use consumer;
 - b. Not more than twelve homegrown marijuana plants are cultivated or grown at a single residence;
 - c. Cultivation or growing of homegrown marijuana takes place only within a secured closet, room, greenhouse, or other enclosed area in or on the grounds of the residence that prevents access by individuals under twenty-one years of age, and which is not visible by normal unaided vision from a public space; and

- d. Cultivation or growing homegrown marijuana does not take place in any type A or type B family child care home, as those terms are defined in section 5104.01 of the Ohio Revised Code; a halfway house, community transitional housing facility, community residential center, or similar facility licensed by the division of parole and community services under section 2967.14 of the Ohio Revised Code; or a residential premises occupied pursuant to a rental agreement that prohibits the activities otherwise authorized by Chapter 3796 of the Ohio Revised Code.
- (2) Process homegrown marijuana by manual or mechanical means.
 - (3) Store homegrown marijuana and adult-use marijuana at the adult-use consumer's primary residence.
 - (4) Use homegrown marijuana grown, cultivated, and processed at the adult-use consumer's primary residence.
 - (5) Possess any paraphernalia or accessories that may be used in the administration of adult-use marijuana or homegrown marijuana.
 - (6) Transfer adult-use and homegrown marijuana to another adult-use consumer if:
 - a. The transfer is without remuneration.
 - b. The amount transferred to the same adult-use consumer in the same day does not exceed either of the following:
 - i. Two and one-half ounces of plant material, excluding any seeds, live plants, or clones being cultivated, grown, or possessed in accordance with section 3796.04 of the Ohio Revised Code;
 - ii. Fifteen grams of extract.
 - c. The transfer occurs at privately owned real property used primarily for residential or agricultural purposes, including any dwellings, facilities, improvements, and appurtenances on such real property.

§ 89.03 Prohibitions.

- (1) No person shall cultivate, grow, or process homegrown marijuana except at the person's primary residence;
- (2) No person under the age of twenty-one shall use, cultivate, process, transfer, or transport adult-use marijuana or homegrown marijuana;
- (3) No person shall process homegrown marijuana by hydrocarbon-based extraction;
- (4) No person shall sell, or profit from, homegrown marijuana;
- (5) No person shall cultivate, grow, or possess homegrown marijuana on behalf of another person;
- (6) No person shall knowingly cultivate, grow, or possess homegrown marijuana in any manner contrary to section 89.02 of this Code;

- (7) No person shall knowingly use or consume adult-use marijuana or homegrown marijuana in a public place;
- (8) No person shall who operates a public place shall knowingly permit the use or consumption of adult-use or homegrown marijuana in that public place;
- (9) No person shall operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of marijuana, nor shall any passenger use or consume marijuana in a vehicle, trackless trolley, watercraft, or aircraft operated by another.
- (10) Except as otherwise provided by this Code or the Ohio Revised Code, no person, other than a license holder, shall knowingly give, sell, or transfer adult-use or homegrown marijuana to any other person, with or without remuneration.

§ 89.04 Penalty.

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that the person continues to violate this chapter shall constitute a separate and complete offense.

REPEAL AND REPLACE

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: CULTIVATING, AND PROCESSING OF MEDICAL MARIJUANA AND ADULT-USE MARIJUANA PROHIBITED.

§ 119.01 DEFINITIONS.

As used in this chapter:

(A) "Marijuana" means marijuana as defined in section 3796.01(A)(1) of the Ohio Revised Code. As used in this chapter, the terms "marijuana" and "cannabis" are synonymous.

(B) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose. "Medical marijuana" does not include adult-use marijuana or homegrown marijuana as those terms are defined in section 3796.01 of the Ohio Revised Code.

(C) "Adult-use marijuana" means marijuana that is cultivated, processed, dispensed, or tested for, or possessed or used by, and adult-use consumer, in accordance with Chapter 3796 of the Ohio Revised Code. "Adult-use marijuana" does not include medical marijuana or homegrown marijuana.

(D) "Adult-use consumer" means an individual who is at least twenty-one years of age.

(E) "Homegrown marijuana" means marijuana that is cultivated, grown, processed, or possessed by an adult-use consumer in accordance with section 3796.04 of the Ohio Revised Code. Homegrown marijuana does not include medical marijuana or adult-use marijuana.

§ 119.02 CULTIVATING, AND PROCESSING OF MEDICAL MARIJUANA AND ADULT-USE MARIJUANA PROHIBITED.

No person shall cultivate, or process medical marijuana or adult-use marijuana in the City of West Carrollton. The cultivation, or processing of medical marijuana, even under a license issued under Chapter 3796 of the Ohio Revised Code, is prohibited.

§ 119.99 PENALTY.

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that the person continues to violate this chapter shall constitute a separate and complete offense.

ADD NEW CHAPTER

TITLE XI: BUSINESS REGULATIONS

CHAPTER 120: CANNABIS CONTROL; LIMITATIONS ON BUSINESS OPERATIONS.

§ 120.01 PURPOSE.

The purpose of this chapter is to establish limitations on cannabis operations within the City of West Carrollton in order to protect and promote the public health, safety, and welfare and to establish reasonable and uniform regulations to minimize and control any negative secondary effects of cannabis dispensaries operating within the City.

§ 120.02 DEFINITIONS.

For purposes of this chapter:

- (A) For purposes of this chapter, words shall have the same meanings as defined in Chapter 3796.01 of the Ohio Revised Code.
- (B) "Disqualifying offense," "cultivator," "processor," and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01.
- (C) "Licensee" means a person in whose name a license to operate a cannabis dispensary has been issued by the Ohio Department of Commerce, Division of Cannabis Control, as well as the individual(s) designated on the City-issued permit application as principally responsible for the operation of the cannabis dispensary.
- (D) "Operate" means to control or hold primary responsibility for the operation of a cannabis dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation.
- (E) "Operator" means any persons on the premises of a cannabis dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a cannabis dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a cannabis dispensary whether or not that person is an owner, part owner, or licensee of the business.
- (F) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation, or a combination of individuals of whatever form or character.
- (G) "School," "church," "public library," "public playground," "public park," and "public place" shall have the same meanings as in section 3796.01 of the Ohio Revised Code.

§ 120.03 APPLICABILITY.

Businesses subject to this chapter are cannabis cultivators, processors, and dispensaries. Businesses that cultivate and process marijuana are expressly prohibited in the City of West Carrollton.

§ 120.04 PROHIBITION OF CERTAIN CANNABIS OPERATIONS.

No person or business shall operate as a cannabis cultivator or a cannabis processor in the City of West Carrollton, even if the person or business has been issued a cultivator or processor license by the Ohio Department of Commerce, Division of Cannabis control.

§ 120.05 CANNABIS DISPENSARY LICENSE AND PERMIT REQUIRED.

No person shall operate a cannabis dispensary in the City of West Carrollton without a valid cannabis dispensary license issued by the Ohio Department of Commerce, Division of Cannabis Control, and a City-issued permit pursuant to this chapter.

§ 120.06 CANNABIS DISPENSARY ZONING AND BUILDING PERMITS REQUIRED.

No person shall operate a cannabis dispensary in the City of West Carrollton without first obtaining all zoning and building permits required by the City pursuant to § 154.16.14 and all other local, county, and state codes, rules, and regulations.

§ 120.07 CANNABIS DISPENSARY PERMIT APPLICATION.

(A) Any person desiring to operate a cannabis dispensary within the City of West Carrollton shall make a written application for a cannabis dispensary permit to the City. The application shall request, and the applicant shall provide, such information as reasonably necessary to enable the City to determine whether the applicant meets the requirements of this chapter. The application for such permit shall include, but is not limited to, the following:

- (1) A fully completed cannabis dispensary permit application on form(s) provided by the City.
- (2) Identification of the cannabis dispensary business owner(s) or prospective owner(s), whether the business or prospective business be owned by an individual, a corporation, member(s) of a limited liability company, or partner(s) in a general or limited partnership or joint venture.
- (3) Contact information for each applicant and each person signing the application.
- (4) Designation of one or more individuals to be principally responsible for the operation of the proposed cannabis dispensary, if a permit is granted by the City. At least one person so designated must be involved in the day-to-day operation of the proposed cannabis dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a cannabis dispensary permit applicant.
- (5) A statement whether any applicant, or any of the individuals identified in the

application, has had a previous permit issued under this chapter or other similar regulation of another jurisdiction denied, suspended, or revoked within the previous twelve months, including the name and location of the cannabis dispensary for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended, or revoked within the previous twelve months, including the name and location of the business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

- (6) A statement whether any applicant, or any of the individuals identified in the application, holds any other permits or licenses under this chapter or other similar regulations from this or another jurisdiction and, if so, the names and locations of the other licensed or permitted businesses.
- (7) A copy of a current, valid retail dispensary license, dual license, or other license issued to the applicant by the Ohio Department of Commerce, Division of Cannabis Control, under the provisions of R.C. Chapter 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a licensure.
- (8) Written permission of the property owner(s) consenting to the cannabis dispensary on any property on which the cannabis dispensary business will operate, if applicable.
- (9) The location of the proposed cannabis dispensary within the City of West Carrollton, including the county parcel ID number and the complete street address.
- (10) A site plan showing any and all properties on which the cannabis dispensary business will operate for sales purposes, with the proposed location of the cannabis dispensary business relative to buildings, parking and loading areas, streets and driveway approaches, refuse containers, and any other site information the City may require.
- (11) A floor plan showing the configuration of the premises of the cannabis dispensary.
- (12) Copies of any City-issued zoning and building permits authorizing the cannabis dispensary at a particular address in the City.
- (13) Proof of registration with the City's income tax division.
- (14) Any and all information requested by City officials necessary to review the application, and to conduct any additional investigation which is deemed reasonable in assessing the proposed cannabis dispensary to ensure compatibility with other uses in the vicinity and to ensure the public health, safety, and welfare.
- (15) Any additional information requested by the City and/or which shows that the proposed cannabis dispensary operation will satisfy the requirements of this chapter and all other applicable local and state laws.

§ 120.08 ISSUANCE OF CANNABIS DISPENSARY PERMIT.

- (A) A cannabis dispensary permit shall be issued by the City upon full completion of the application and determination by the City that all requirements of this section have been met. If a complete application for a cannabis dispensary permit is not approved, the City shall notify the applicant of the determination in writing including any reason(s) for the decision. The City shall approve the issuance of a permit to an applicant unless the City determines that one or more of the following findings is true:
- (1) An applicant is under twenty-one years of age.
 - (2) An applicant has failed to provide information reasonably necessary for issuance of the permit as requested on the application form, or has falsely answered a question or request for information on the application form.
 - (3) A person identified in the application has been denied a license to operate a cannabis dispensary or has had a license to operate a cannabis dispensary revoked within the preceding twelve months by any jurisdiction.
 - (4) A person identified in the application has been convicted of a disqualifying offense.
 - (5) The proposed cannabis dispensary would violate or not comply with any provisions of this Code, the Zoning Code, the Property Maintenance Code, the General Offenses Code, the Ohio Building Code, the Ohio Fire Code, or other local or state statutes or regulations.
 - (6) The requisite permit fee or a prior permit fee required by this chapter has not been paid in full.
 - (7) An applicant is in violation of any provision of this chapter.
 - (8) There are already two cannabis dispensaries operating in the City of West Carrollton.
- (B) If the City determines that one or both of the following findings is true, the permit issued pursuant to this chapter shall contain a requirement that the permit holder correct all specified deficiencies within 120 days of the date the permit is issued:
- (1) The results of inspections of the premises by City officials indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises.
 - (2) An applicant is overdue in payment of City taxes, fees, fines, or penalties assessed against or imposed by the City in relation to any business owned by the applicant, which is not the subject of a pending appeal or other legal challenge.
- (C) If, after approving the issuance of a permit, the City receives information which constitutes grounds for denial of a permit pursuant to this chapter, then the cannabis dispensary permit issued pursuant to this chapter shall be immediately revoked. If after approving the issuance of a permit, the City receives information which constitutes grounds for the issuance of a permit subject to a requirement to correct deficiencies pursuant to this chapter then, a requirement shall be added to the terms of the cannabis dispensary permit issued pursuant to this chapter to correct all deficiencies noted within

120 days of the date such requirement is added. Extenuating circumstances may be considered by the City in granting an extension to the 120 days, if the permit holder is making a good faith effort to correct all deficiencies as determined by the City. The City may impose additional conditions upon the cannabis dispensary which in the discretion of the City are necessary to ensure compatibility with other uses in the vicinity and to ensure the public health, safety, and welfare.

(D) A cannabis dispensary permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of permitted cannabis dispensary. All cannabis dispensary permits shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(E) The City shall advise the applicant in writing of the reasons for any permit denial.

§ 120.09 FEES.

(A) Every application for a new cannabis dispensary permit shall be accompanied by a non-refundable application and investigation fee, as specified in the City's General Fee Schedule.

(B) Every application for the renewal of a cannabis dispensary permit shall be accompanied by a non-refundable application and investigation fee, as specified in the City's General Fee Schedule.

§ 120.10 INSPECTION.

(A) City officials shall, from time to time, inspect each cannabis dispensary permitted under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(B) A cannabis dispensary permit holder or an applicant for the same shall permit City officials to inspect a cannabis dispensary that is open to the public for the purpose of insuring compliance with the law during times that it is occupied or open for business.

(C) A cannabis dispensary permit holder or an applicant for the same shall subject the application or permit to denial, suspensive, or revocation if the permit holder refuses to permit such lawful inspection of the premises.

§ 120.11 NOTIFICATIONS.

(A) If, at any time, a cannabis dispensary is subject to any enforcement action by the State of Ohio under Chapter 3796 of the Ohio Revised Code, or any other applicable chapter of the Ohio Revised Code,, the cannabis dispensary owner must immediately notify the City and provide all relevant information or documentation requested by the City regarding the enforcement proceedings.

- (B) If, at any time, any information listed in a cannabis dispensary's original business permit application changes, the cannabis dispensary must immediately notify the City of the change in information. In the event of any changes in information which are material to the application and/or the City's prior grant of the cannabis dispensary's permit (as determined by the City in its discretion), the City shall have the right to revoke the cannabis dispensary's permit and/or require the cannabis dispensary owner to apply for a new permit pursuant to this chapter.
- (C) If, at any time, the cannabis dispensary permit holder has a reasonable belief that an actual loss, theft, or diversion of cannabis or currency worth or amounting to more than one hundred dollars (\$100.00) has occurred, the permit holder shall immediately notify the City of West Carrollton Police Department. Such notification shall be provided no later than twenty-four hours after discovery of the loss, theft, or diversion.

§ 120.12 EXPIRATION AND RENEWAL OF PERMIT.

- (A) Each cannabis dispensary permit issued pursuant to this chapter shall be valid for a period of one year or less from the date of issuance, and shall expire on December 31 of the calendar year in which it was issued, regardless of when during the year such permit was issued. Each permit may be renewed by making application as provided in this section. Application for renewal shall be made no fewer than thirty days before the expiration date.
- (B) An application for renewal of a cannabis dispensary permit shall be submitted by the applicant on a form provided by the City. The renewal application form shall request, and the applicant shall provide, such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial permit application pursuant to this chapter. The completed renewal application shall be accompanied by copies of any document or materials submitted in connection with the initial permit application that has been revised or requires revision to reflect any change in circumstances or conditions.
- (C) The City shall make determinations concerning the approval of permit renewals based on the same criteria used to evaluate applications for new permits under this chapter.
- (D) The City shall advise the applicant in writing of the reason(s) for any denial of a permit within thirty (30) days of the date of application. Such notice shall specify the reason for denial, and may provide for conditions upon which the permit may be approved or reinstated upon compliance with said conditions. Should no conditions be given for the possible approval or reinstatement of the license, the notice shall constitute a denial of the license. The notice shall inform the applicant of the right to appeal. The notice shall be deemed to be properly served if a true copy thereof is served: (a) personally; or (b) by leaving notice with a person of suitable age and discretion at the usual place of residence of the person served; or (c) by certified mail, or commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner or other responsible person at the last known address as appearing in the records or databases of the City of

West Carrollton, Ohio.

- (E) When the City denies an application for the renewal of a permit, the applicant shall not be issued another permit for one year from the date of denial. If the City finds, subsequent to its denial of the application to renew the permit, that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if all other requirements for a cannabis dispensary permit are met.

120.13 ENFORCEMENT.

- (A) If, at any time, the City becomes aware that a cannabis dispensary possessing a cannabis dispensary permit has engaged in or is engaged in any act or practice which is in violation of this chapter, R.C. Chapter 3796, or any other local, state, or federal law, with the exception of acts that are permitted under state law but are violation of federal law, the City may do any of the following:
 - (1) Refer such violations to the Ohio Department of Commerce, Division of Cannabis Control, or other legal authorities;
 - (2) Issue a warning to the cannabis dispensary, which will include the corrective action required;
 - (3) Suspend the cannabis dispensary permit issued hereunder; require any violations to be resolved; and require corrective action to be taken as a condition to the reinstatement of the suspended cannabis dispensary permit; and/or
 - (4) Revoke the cannabis dispensary permit.
- (B) Specific violations which may trigger the actions described in section (A) include, but are not limited to, the following:
 - (1) The cannabis dispensary permit applicant gave false or misleading information in the material submitted during the application process;
 - (2) The cannabis dispensary permit applicant failed to comply with any requirement stated in the cannabis dispensary permit application required by this chapter, or the applicant failed to take timely any corrective action required by the City to resolve any violations cited by the City;
 - (3) The cannabis dispensary's permit issued under the City's Zoning Code or the Ohio Building Code is suspended or revoked;
 - (4) The cannabis dispensary permit holder has been found guilty of fraud, misrepresentation, or any unlawful act in connection with the business activities for which a cannabis dispensary permit was issued;
 - (5) The cannabis dispensary operator or permit holder knowingly allowed, or as a result of the operator or permit holder's negligent failure to supervise either the premises of the cannabis dispensary or a cannabis dispensary employee, the cannabis dispensary business or business owner allowed the possession, use, or sale of controlled substances (except cannabis) on the premises;
 - (6) The cannabis dispensary operator or permit holder knowingly allowed, or as a result of the business owner/operator's negligent failure to supervise either the

- premises of the cannabis dispensary or a cannabis dispensary employee, a felony has been committed on the premises of the cannabis dispensary;
- (7) A cannabis dispensary operator or permit holder operated the cannabis dispensary during a period of time when the permit holder knew, or reasonably should have known, that the cannabis dispensary permit holder's City-issued permit was suspended, or when the operator or permit holder knew, or reasonably should have known, that the dispensary license issued by Ohio Department of Commerce, Division of Cannabis Control has been suspended or revoked;
 - (8) A cannabis dispensary operator or permit holder has been convicted of a specified criminal activity, as defined in this chapter, during the term of the permit;
 - (9) A cannabis dispensary permit holder is delinquent in payment to the City, County, or State for any taxes or fees past due that were assessed or imposed in relation to any business;
 - (10) The cannabis dispensary business fails to maintain valid permits or licenses from the City, the County of Montgomery, the State of Ohio, and any enforcement divisions thereof; or
 - (11) The cannabis dispensary business is conducted in such a manner as to create a public nuisance or to constitute a danger to the public health, safety, or welfare.

(C) Notice.

- (1) Whenever the City Manager and/or his or her designee determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this division to the person(s) responsible for the violation as specified in this Chapter.
- (2) *Form.* Such notice shall be in accordance with all of the following:
 - i. Be in writing;
 - ii. Include a description of the real estate sufficient for identification;
 - iii. Include a statement of the violation or violations and why the notice is being issued;
 - iv. Include a correction order with a reasonable compliance time frame to bring the cannabis dispensary into compliance with the provisions of this code; and
 - v. Inform the property owner of the right to appeal.
- (3) *Method of service.* Such legal notice shall be deemed to be properly served if a true copy thereof is served: (a) personally; or (b) by leaving notice with a person of suitable age and discretion at the usual place of residence of the person served; or (c) by certified mail, or commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner or other responsible person at the last known address as appearing in the records or databases of the City of West Carrollton, Ohio; or (d) by certified mail, or

commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner at the owners tax mailing address as indicated on the county tax duplicate; or (e) by certified mail, or commercial carrier service utilizing any form of delivery requiring a signed receipt, addressed to the owner or other responsible person at his or her address as determined by an examination of public records of Montgomery County, Ohio or the State of Ohio; or (f) by posting a true copy of the notice in a conspicuous place on the structure or premises to which it relates.

- i. If the registered or certified mail envelope is returned with an endorsement showing that the service was unclaimed, the notice may be served by ordinary mail to the owners last known mailing address. This mailing shall be evidenced by a certificate-of-mailing, and service shall be deemed complete on that date of mailing.
- ii. When service is perfected by posting notice on or about the premises affected, such posting shall be evidenced by a photograph and a notarized certificate of service.
- iii. If service of written notice is unable to be perfected by any of the hereinbefore methods, the City Manager or his or her designee shall cause the notice to be published in a newspaper of general circulation in the city, once each week for two consecutive weeks, and service shall be deemed completed on the second date of publication.
- iv. The City Manager or his or her designee shall complete and have notarized a certificate-of-service which shall set forth the name and address of the person served, the manner of service, and the date thereof.
- v. The City may allow a cannabis dispensary whose permit has been revoked to reapply. If the City finds, subsequent to the denial, that the violations that led to the revocation of the cannabis dispensary permit have been corrected or abated, the applicant may be granted a permit if the applicant pays a renewal fee in an amount specified in the City's General Fee Schedule to offset the City's costs of compliance measures, necessary inspections, and to ensure the circumstances that led to the revocation have been corrected.

(D) The City may allow a cannabis dispensary whose permit has been revoked to reapply. If the City finds, subsequent to the denial, that the violations that led to the revocation of the cannabis dispensary permit have been corrected or abated, the applicant may be granted a permit if a renewal fee in an amount specified in the City's General Fee Schedule to offset the City's costs of compliance measures, necessary inspections, and to ensure the circumstances that led to the revocation have been corrected.

§ 120.14 TRANSFER OF LICENSE OR OWNER.

(A) The cannabis dispensary permit required by the City is non-transferable and may be used only by the permit holder to whom the permit was granted.

(B) A City-issued permit to operate a cannabis dispensary is only valid as to the particular

address listed in the initial application. A cannabis dispensary permit holder seeking a location change under this chapter must reapply for a new cannabis dispensary permit in accordance with this chapter.

- (C) If the ownership of a cannabis dispensary changes, the new cannabis dispensary owner must immediately notify the City of the change in ownership, and the new owner must submit a new application for a cannabis dispensary permit in accordance with this chapter. Upon request of the new owner, and upon written approval of the City Manager, the new owner may continue to operate the cannabis dispensary while approval of the new cannabis dispensary permit is pending, provided that the new owner is licensed by the Ohio Department of Commerce, Division of Cannabis Control, and is in compliance with all local and state cannabis dispensary regulation. Any verified transfer of a cannabis dispensary license without the express written permission of the city shall automatically and immediately result in revocation of that license.

§ 120.15 APPEAL RIGHTS.

- (A) Appeal. Any person aggrieved by any administrative decision pursuant to this chapter may, within 10 days after receipt of said decision, appeal to City Council by filing with the Clerk of Council a signed written statement briefly setting forth his or her grounds of appeal. City Council shall give the appellant due notice of a hearing thereof by certified mail. The appellant may appear before Council in person or by attorney. Four members of Council shall constitute a quorum to hear such appeal. The appellant may appear and be heard in person or by counsel. If, after the hearing, a majority of the members of Council present at such a meeting declare in favor of the appellant, the administrative decision shall be immediately reversed.
- (B) If the majority of the members of City Council declare in opposition of the appellant, then the appellant may appeal such order to the County Court of Common Pleas. The appeal shall be in accordance with R.C. Chapter 2506.
- (C) Any licensee lawfully operating a cannabis dispensary prior to the denial of a license application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

§ 120.16 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection, or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

§ 120.99 PENALTY.

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that the person continues to violate this chapter shall constitute a separate and complete offense.

ADD NEW CHAPTER

TITLE XIII: GENERAL OFFENSES

CHAPTER 144: CANNABIS CONTROL.

- (A) For purposes of this chapter, words shall have the same meanings as they are defined in section 3796.01 of the Ohio Revised Code.
- (B) Except as otherwise provided in this Code and R.C. Chapter 3796, an adult-use consumer shall not be subject to arrest, criminal prosecution, or civil penalty for engaging in any of the activities authorized under R.C. Chapter 3796, including:
 - (1) Obtaining, using, possessing, storing, growing, or transporting cannabis;
 - (2) Engaging in conduct permitted under R.C. Chapter 3796;
 - (3) Acquiring, possessing, using, purchasing, manufacturing, selling, or transporting paraphernalia or accessories that may be used in the administration of adult-use or homegrown marijuana; and
 - (4) Assisting another adult-use consumer, or allowing property to be used, in any of the acts authorized by R.C. Chapter 3796.
- (C)
 - (1) An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using cannabis or while under the influence of cannabis. Whoever violates this section is guilty of a misdemeanor of the first degree.
 - (2) An individual is prohibited from smoking, vaporizing, or using any other combustible cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft. Whoever violates this section is guilty of a misdemeanor of the third degree.
- (D) Except as otherwise provided in R.C. Chapter 3796, no individual under 21 years of age shall knowingly show or give false information or identification concerning the individual's name, age, or other identification for the purpose of purchasing cannabis from a dispensary licensed under R.C. Chapter 3796. Whoever violates this section is guilty of a misdemeanor of the first degree.
- (E) Nothing in this Code is intended to permit the transfer or sale of cannabis, with or without remuneration, to an individual under 21 years of age, or to allow an individual under 21 years of age to purchase, possess, use, process, transport, or cultivate cannabis except where specifically authorized by R.C. Chapter 3796. Whoever violates this section is guilty of a misdemeanor of the first degree.
- (F) It is unlawful for any parent or guardian to knowingly permit their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by any person under 21 years of age, in a manner that constitutes a violation of R.C. Chapter 3796 or this Code. Whoever violates this section is guilty of a misdemeanor

of the first degree.

- (G) It is unlawful for a person to possess an amount of cannabis greater than the limits prescribed by this Code and section 3796.221 (A)(4)(b). Whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (H) Except as otherwise provided in R.C. Chapter 3796, it is unlawful for an adult-use consumer to use cannabis in public areas. Whoever violates this section is guilty of a minor misdemeanor.
- (I) It is unlawful for an owner, employee, or agent of a dispensary licensed under R.C. Chapter 3796 to knowingly sell cannabis to an individual under 21 years of age. Whoever violates this section is guilty of a misdemeanor of the first degree.
- (J) It is unlawful for an individual under 21 years of age to solicit another individual to purchase cannabis from a dispensary licensed under R.C. Chapter 3796. Whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (K) It is unlawful to operate a cannabis dispensary in the City of West Carrollton without a valid dispensary license issued by the Ohio Department of Commerce, Division of Cannabis Control, and without a City-issued cannabis dispensary permit. Whoever violates this section is guilty of a misdemeanor of the first degree.
- (L) Except as otherwise provided in R.C. Chapter 3796, any person who violates any provisions of this Code or Chapter 3796 not specifically addressed herein is guilty of a misdemeanor of the fourth degree.

REPEAL AND REPLACE SECTIONS 154.10.402, 154.10.422, AND 154.10.473 AND ADD SECTION 154.16.14

TITLE XV: LAND USAGE

§ 154.10.401 B-1 CONVENIENCE COMMERCIAL DISTRICT.

The purpose of the B-1 Convenience Commercial District is to designate and reserve certain land areas for convenience, commercial, personal services, and certain types of business and professional uses located in convenient and close relationship to nearby areas of surrounding development.

§ 154.10.402 PRINCIPAL PERMITTED USES.

- (A) Accessory building and structures as regulated by § 154.16.01.
- (B) Accessory uses as regulated by § 154.16.01.
- (C) Cannabis dispensary, meeting the requirements of §154.16.14.
- (D) Day care facility, Adult.
- (E) Day care facility – Child day care center.
- (F) Dwelling – Above commercial structure
- (G) Financial institution without drive-in.
- (H) Home occupations subject to the conditions of § 154.16.03.
- (I) Office – Professional office/Business office.
- (J) Parking, On-site.
- (K) Parkland – Community parkland and public open space.
- (L) Recreation – Community center/senior center.
- (M) Restaurant – Fast food restaurant without drive- in.
- (N) Restaurant, Sit-down.
- (O) Retail – Sales and services in structures less than or equal to 10,000 s.f. in gross floor area.
- (P) Retail Tobacco Store.
- (Q) School – Business trade school/Technical school.
- (R) School – Nursery school.
- (S) Smoking Establishment.
- (T) Studio – Instructional studio/Commercial studio.
- (U) Tavern.

(V) Mobile food vendors as provided in §154.16.11.

§ 154.10.421 B-2 GENERAL COMMERCIAL DISTRICT.

The purpose of the B-2 General Commercial District is to designate and reserve certain land area for central commercial, community, and highway uses and services which serve the general commercial needs of the residents of the city and surrounding areas. These locations shall accommodate the most intensive commercial and office uses and shall reflect areas of sound organized development.

§ 154.10.422 PRINCIPAL PERMITTED USES.

- (A) Accessory building and structures as regulated by §154.16.01.
- (B) Accessory uses as regulated by §154.16.01.
- (C) Animal hospital or veterinary clinic with indoor kennels or no kennels.
- (D) Animal kennels, indoor.
- (E) Automobile – Convenience drive-through.
- (F) Cannabis dispensary, meeting the requirements of §154.16.14.
- (G) Contractor office
- (H) Contractor shop
- (I) Day care facility – Child day care center.
- (J) Dwelling – Above commercial structure.
- (K) Financial institution with drive-in.
- (L) Financial institution without drive-in.
- (M) Fraternal lodges and private clubs.
- (N) Funeral homes and mortuaries.
- (O) Home Improvement Center.
- (P) Home occupations subject to the conditions of §154.16.03.
- (Q) Hospitals/Urgent care centers.
- (R) Lodging – Hotels and motels.
- (S) Office – Professional office/Business office.
- (T) Parking, On-site.
- (U) Parkland – Community parkland and public open space.
- (V) Recreation – Commercial recreation facilities.

- (W) Recreation – Community center/senior center.
- (X) Recreation – Health Clubs with indoor facilities only/Athletic training facilities.
- (Y) Recreation – Health Clubs with outdoor facilities.
- (Z) Recreation – Theater with less than 50,000 s.f. gross floor area.
- (AA) Restaurant – Fast food restaurant with drive-in.
- (BB) Restaurant – Fast food restaurant without drive-in.
- (CC) Restaurant, Sit-down.
- (DD) Retail – Nursery/Garden Center.
- (EE) Retail – Sales and services in structures greater than 10,000 s.f. in gross floor area.
- (FF) Retail – Sales and services in structures less than or equal to 10,000 s.f. in gross floor area.
- (GG) Retail Tobacco Store.
- (HH) School – Business trade school/Technical school.
- (II) School – Nursery school.
- (JJ) Sexually oriented businesses
- (KK) Smoking Establishment.
- (LL) Tavern.
- (MM) Mobile food vendors as provided in §154.16.11.

§ 154.10.471 CC CITY CENTER DISTRICT.

- (A) General Purpose.
 - (1) It is the intent of the CC City Center District to provide the necessary regulations and standards pertaining to the specific land uses and development character that are consistent with the goals and policies of the City's Urban Design Plan, Comprehensive Plan and proposed improvement of Exit 47.
 - (2) The purpose of the CC District is to assist the development and redevelopment of land uses in order to achieve higher efficiency, function, and compatibility with the character of the District; to protect private property and investment; to provide for flexibility in land use controls; and to protect or improve the quality of the environment in those locations where the characteristics of the environment are of significant public value and are vulnerable to change by the cumulative effect of development permitted under conventional zoning regulations.
 - (3) These regulations establish requirements and procedures for approval of development and redevelopment projects within this District, which are planned and designed in a manner which

promotes and encourages revitalization and business development, and helps establish the subject area into a viable and attractive City Center.

(4) Whenever there is a conflict between regulations and/or requirements of other sections of this Zoning Code as they may apply in the CC District, the regulations of the CC District shall control.

(5) Contrary to conventional development control strictly by type of use, the CC District provides a more flexible instrument which governs development by the urban design criteria of building placement, building form and character, access and parking placement, and the availability of substantial pedestrian amenities.

(B) Objectives. The CC City Center District is specifically designed to:

(1) Provide for increased opportunities and land use efficiency for redevelopment new development, and business development expansion.

(2) Protect property and private investment.

(3) Encourage a viable and compatible mix of commercial, business, office, and residential uses in the district.

(4) Encourage creative planning and design in the arrangement and siting of buildings, parking areas, circulation and access, shared parking facilities and ingress/egress arrangements, and elimination of multiple curb cuts.

(5) Promote a pedestrian-friendly City Center environment through the establishment of a safe, convenient and attractive pedestrian network.

(6) Allow the application of performance standards to development and redevelopment so as to mitigate any adverse impacts on adjacent areas and the overall district.

(7) Promote public health, safety and welfare.

§ 154.10.473 USE REGULATIONS.

Principal and accessory buildings, structures or premises shall be used and buildings and structures shall be erected, altered or enlarged only for the uses listed below.

(A) Principal Permitted Uses.

(1) Accessory buildings, structures and uses as regulated by §154.16.01.

(2) Animal hospital or veterinary clinic with indoor kennels or no kennels.

(3) Animal training school, domestic, indoor, so long as the applicant can demonstrate that animal waste will be accommodated to meet all requirements of the Montgomery County Health District and the City of West Carrollton Property Maintenance Code and Building Code.

(4) Auction house, defined as a place where objects of art, furniture, and other goods and merchandise are offered for sale to persons who bid on the object in competition with each other,

and that take place entirely within a building. Outdoor auctions, as well as auctions of livestock, motor vehicles, or items which are inconsistent with the purpose and objectives of the City Center District, are expressly prohibited.

(5) Building and related trades, not involving any exterior storage areas.

(6) Call center, defined as a company phone center that offers operator-supported voice services such as a help desk, customer support, lead generation, emergency response, telephone answering service, inbound response and outbound telemarketing.

(7) Cannabis dispensary, meeting the requirements of §154.16.14.

(8) Conference center, defined as a facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. Conference centers shall not be utilized by the general public only for overnight purposes. This use shall not include institutions meeting the definition of "churches and other similar places of religious worship" as defined in §154.02.01, Definitions, and as prohibited in §154.10.473(B).

(9) Day care facility - child care center.

(10) Dwelling - above commercial structure.

(11) Dwelling - attached, detached, zero lot line homes and other residential uses planned and designed along the "New Urbanism" principles of compact form and architectural significance, with the density to be determined by the Planning Commission. Such residential developments shall be in close adherence and conformance to the requirements of §154.10.476(D), of these regulations. Residential developments planned and designed along conventional subdivision standards shall not be permitted.

(12) Financial institution with or without drive-up.

(13) Fraternal lodges and private clubs.

(14) Home occupations subject to the conditions of §154.16.03.

(15) Home improvement centers, not involving any exterior storage areas.

(16) Hospitals/urgent care centers.

(17) Lodging - bed and breakfast establishments.

(18) Lodging - hotels and motels.

(19) Manufacturing - light manufacturing, only on the following properties: Carrollton Plaza, parcels K48 00509 0002 (1000 E. Central Avenue) and K48 00509 0037 (1100 E. Central Avenue); and the old Woody's warehouse, parcel K48 00111 0032 (61 Alexandersville- Bellbrook Road).

(20) Office - professional office/ business office.

(21) Parking, on-site.

- (22) Parking, shared.
- (23) Parkland - community parkland and public open space.
- (24) Recreation - commercial recreation facilities.
- (25) Recreation - community center/senior center.
- (26) Recreation - health clubs with indoor facilities only/athletic training facilities.
- (27) Recreation - health clubs with outdoor facilities.
- (28) Recreation - river-related recreational uses such as boat livery, boat rentals, and other such similar nature uses.
- (29) Recreation - theater.
- (30) Restaurant - fast food restaurant with or without drive-up.
- (31) Restaurant, sit-down.
- (32) Retail - sales and services.
- (33) School - business trade school/technical school.
- (34) School - nursery school.
- (35) Smoking establishment.
- (36) Tavern.
- (37) Warehousing - warehousing facility/wholesaling facility/distribution facility, only on the following properties: Carrollton Plaza, parcels K48 00509 0002 (1000 E. Central Avenue) and K48 00509 0037 (1100 E. Central Avenue); and the old Woody's warehouse, parcel K48 00111 0032 (61 Alexandersville- Bellbrook Road). This use shall not involve overnight parking of trucks, storage of materials that present hazards or offensive conditions, external storage of material, or other external nuisances such as dust, noise and odors.
- (38) Mobile food vendors as provided in §154.16.11.

(B) Prohibited Uses.

All uses not specifically listed as a permitted use in §154.10.473(A) are prohibited within this District, unless determined by the Planning Commission to be a Substantially Similar use to any use listed in §154.10.473(A) as provided by §154.05.04(B)(2) and §154.07.01(B)(3). The following uses are expressly prohibited within this District:

- (1) Animal hospital or veterinary clinic with outdoor kennels.
- (2) Animal kennels, outdoor.
- (3) Automobile - convenience drive-thru.

- (4) Automobile - convenience market/gas station mini-mart.
- (5) Automobile fueling station.
- (6) Automobile washing facility, full service.
- (7) Automobile washing facility, self-service.
- (8) Automobile - service station/repair garage.
- (9) Automobile - painting and body shop.
- (10) Automotive wrecking yards.
- (11) Building and related trades, not meeting the requirements of §154.10.473(A)(4).
- (12) Building materials - contractor storage yard.
- (13) Building materials - sales and storage yards.
- (14) Churches and other similar places of religious worship.
- (15) Farming and agricultural production, and related farm uses.
- (16) Funeral homes and mortuaries.
- (17) Junk yards.
- (18) Lumber yards.
- (19) Manufacturing - heavy manufacturing.
- (20) Parking, commercial.
- (21) Recreation - theater, drive-in.
- (22) Resource and mineral extraction.
- (23) Retail - nursery/garden center.
- (24) Truck stop.
- (25) Vehicle sales and service - agricultural implements/marine equipment/manufactured homes/industrialized units/travel trailers/heavy trucks/recreational vehicles.
- (26) Vehicle sales and service, automobile and motorcycle.
- (27) Warehousing - mini warehouses/self- service storage facilities.
- (28) Warehousing - warehousing facility/wholesaling facility/distribution facility not meeting the requirements of §154.10.473(A)(35).
- (29) Any other uses which are not compatible with the purpose and objectives of these regulations as determined by the Planning Commission.

§ 154.16.14 CANNABIS DISPENSARIES.

- (A) For purposes of this section, the words and phrases shall have the same meanings as defined or described in section 3796.01 of the Ohio Revised Code and as defined in Chapter 120 of the Codified Ordinances of the City of West Carrollton.
- (B) Cannabis dispensaries shall be a permitted use in the following zoning districts, as further provided in those sections of the Zoning Code:
 - (1) B-1 Convenience Commercial District
 - (2) B-2 General Commercial District
 - (3) City Center District.
- (C) No person may operate or cause the operation of a cannabis dispensary without complying with the following requirements:
 - (1) The cannabis dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the State of Ohio.
 - (2) License and cannabis dispensary permit required. No person shall operate a cannabis dispensary in the City of West Carrollton without first obtaining a valid cannabis dispensary license issued by the State of Ohio and a cannabis dispensary permit issued by the City of West Carrollton pursuant to Chapter 120 of this Code.
 - (3) Permits required. No person shall operate a cannabis dispensary without first obtaining all requisite zoning and building permits required by the City of West Carrollton and Montgomery County, Ohio.
 - (4) Citywide limitation on the number of such uses. The total number of cannabis dispensaries operating in the City of West Carrollton shall not exceed two (2) at any one time.
 - (5) Location. No cannabis dispensary shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. This section does not require relocation or closure of a cannabis dispensary, if that dispensary has a certificate of occupancy at the time a school, church, public library, public playground, or public park relocates, or is established, on a parcel of real estate, the boundaries of which are within five hundred feet of that operational facility.
 - (6) Vending machines. The use of any vending machine which allows access to cannabis is prohibited. For purposes of this division, a vending machine is any device which allows access to cannabis without a human intermediary.
 - (7) Alcoholic beverages prohibited. The sale and/or consumption of alcoholic beverages shall not be permitted at any cannabis dispensary.
 - (8) Loitering and exterior lighting and monitoring requirements. It shall be the duty of the operator of a cannabis dispensary to:

- a) Initiate and enforce a no loitering policy within the external boundaries of the parcel of property upon which the cannabis dispensary is located;
 - b) Post conspicuous signs stating that no loitering is permitted on such property;
 - c) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
 - d) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business.
- (9) Lighting and visibility. Front door areas of cannabis dispensaries shall not be covered, tinted, or obscured in any way, including by temporary or painted window signs, which prevents visibility of the interior of a cannabis dispensary from outside the premises during operating hours.
- (10) Security devices. The use of bars, chains, or similar security devices that are visible from public view shall be prohibited on any cannabis dispensary.
- (11) Site plan approval. Site plan application and approval by the Planning Commission shall be required if the proposed cannabis dispensary meets one of the criteria provided in §154.14.01(A)(1).
- (12) Parking. Parking for a cannabis dispensary shall be provided as required for "Retail Sales and Service" in Zoning Code § 154.12.01, Off-Street Parking and Loading Requirements.
- (13) Signage. Signs for a cannabis dispensary shall comply with the requirements of Chapter 153: Signs, as well as all signage regulations prescribed by the Ohio Department of Commerce, Division of Cannabis Control, and if applicable, the Ohio Revised Code and the Ohio Administrative Code.
- (D) Notification. Any material change to information provided in the licensee's application must be promptly communicated, in writing, to the City.
- (E) Penalty. Whoever violates any provision of this section is subject to penalties as provided in section 154.05.09 of this chapter.