



ORDINANCE: 08 – 24

PASSED: March 25, 2024

AN ORDINANCE IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE CITY OF OBETZ, AND DECLARING AN EMERGENCY

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters was automatically incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023 with no further action required by the Ohio General Assembly (the “Act”); and,

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis” shall 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, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023, to implement rules and regulations regarding the adult use marijuana program; and,

WHEREAS, Council and the Mayor intend to adopt legislation that provides for the orderly implementation of adult use cannabis in the City consistent with State laws and regulations; and,

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and,

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted and the City has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate moratorium on any cultivation, processing, or retail dispensing of marijuana for adult use business purposes in any form within the City of Obetz, except as required by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ, OHIO THAT:

Section 1. Except as required by the Act, Council hereby imposes an immediate moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of adult use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

Section 2. The purpose of this moratorium is to allow the Mayor and Council to consider amendments to pertinent Codified Ordinances, including Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the City.

Section 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the City during the moratorium, except as may be required by the Act with respect to existing dispensaries of marijuana products for medical use.

Section 4. The moratorium shall be in effect for a period beginning from the effective date of this Ordinance through September 30, 2024, until changes are enacted to amend the Codified Ordinances to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Ordinance; WHEREFORE, this Ordinance shall take effect and be in force immediately upon its adoption by Council.

Passed this 25 day of March, 2024.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

Angela M. Kirk
Angela M. Kirk, Mayor

Todd Gibbs
Todd Gibbs, Council President Pro Tem

APPROVED AS TO FORM

Eugene L. Hollins
Eugene L. Hollins, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance 08-24 was duly posted at 10:30AM (time) on the 27 day of March, 2024, at the Obetz Government Center, Obetz Community Center, and Obetz Athletic Club, as well as on the Obetz website.

Stacey Boumis
Stacey Boumis, Clerk

3/27/24
Date

