

Village of Mantua, Ohio
ORDINANCE 2016-62

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING PERMITS, CERTIFICATES OF BUSINESS OCCUPANCY AND CERTIFICATES OF OCCUPANCY THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.

WHEREAS, after the 131st General Assembly of Ohio approved Substitute House Bill 523 (“H.B. 523”), Governor John Kasich signed it into law on June 8, 2016; and

WHEREAS, H.B. 523 became effective on September 8, 2016; and

WHEREAS, H.B. 523, among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, sale, and use of medical marijuana; and

WHEREAS, H.B. 523 states that this Council has the power to adopt ordinances prohibiting, limiting, and otherwise regulating medical marijuana cultivators, processors, and dispensaries within the limits of the Village; and

WHEREAS, pursuant to the Ohio Revised Code, as well as the Ohio Constitution, this Council also has the inherent power to enact 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, The Mantua Planning Commission has recommended adoption of a temporary moratorium on the cultivation, processing, distribution and sale of medical marijuana within the Village in order to allow additional time to review applicable sections of its Codified Ordinances and the Ohio Revised Code and to plan for and to formulate an appropriate response to H.B. 523.

NOW, THEREFORE, Be It Ordained by the Council of the Village of Mantua, State of Ohio, two-thirds or more of the members elected thereto concurring, that:

SECTION 1: For the purpose of this Ordinance, “medical marijuana” shall have the same meaning as that term is defined in Ohio Revised Code Section 3796.01(A)(2) as adopted pursuant to H.B. 523.

SECTION 2: This Council establishes a moratorium on the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy or certificates of occupancy that would enable the cultivation, processing, distribution or sale of medical marijuana in the Village of Mantua for a period of six months from the date of adoption of this Ordinance by the Council.

SECTION 3: No existing business in the Village may expand in any way that would establish the cultivation, processing, distribution or sale of medical marijuana for the duration of the moratorium period established this Ordinance.

SECTION 4: It is found and determined that all formal actions of this 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 any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Mantua for the reason of the necessity to immediately establish the moratorium for the reasons set forth in the recitals of this Ordinance and, therefore, shall take effect and be in force immediately upon its passage Council and approval by the Mayor.

PASSED IN COUNCIL this 20th day of December, 2016.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I hereby certify the above Resolution was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of December, 2016.

Jenny August, Clerk-Treasurer

Approved as to Legal Form:

Michele Stuck, Solicitor