

ORDINANCE NO.: 83-2016
INTRODUCED BY: President Cotton-Henry

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, BUILDING PERMITS, ZONING APPROVALS, 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 CITY 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 City; and

WHEREAS, pursuant to the City Charter, 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 City needs 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 Resolved by the Council of the City of Richmond Heights, State of Ohio, 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 by 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 City of Richmond Heights for a period of six months from the date of adoption of this Ordinance by the Council.

Section 3: No existing business in the City 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 7: This Resolution 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 City of Richmond Heights 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 and approval by the Mayor.

PASSED: _____

David H. Roche, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

Eloise Cotton-Henry
President of Council