

ORDINANCE NO. 2017-15
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE CONTINUING A MORATORIUM ON GRANTING ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, AND DECLARING AN EMERGENCY

WHEREAS, HB 523, which permits patients in Ohio to use medical marijuana under the recommendation of physicians, became effective on September 8, 2016; and

WHEREAS, Section 3796.29 of the Ohio Revised Code, which was enacted by HB 523, authorizes the legislative authority of a municipal corporation to adopt an ordinance to prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the municipal corporation; and

WHEREAS, HB 523 also sets up limits within which a medical marijuana cultivator, processor, retail dispensary or laboratory that tests medical marijuana may be located near a school, church, public library, public playground, or public park; and

WHEREAS, there are concerns by this Council and the City Administration regarding the manner in which HB 523 will interact with Federal, State and local law; and

WHEREAS, in consideration of these concerns, this Council adopted Ordinance No. 2016-17 (Amended) on September 6, 2016, which imposed a moratorium on granting any building permit or certificate of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of medical marijuana for a period not to exceed six months from the effective date of the ordinance; and

WHEREAS, this Council and the City Administration, especially the City Planning Commission, require additional time to undertake a review of all applicable Federal, State and local legislation in order to determine a course of action in response to HB 523. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. Council hereby continues the moratorium on granting any building permit or certificate of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Ordinance.

SECTION 2. This moratorium does not apply to any pharmacy currently established in the City and licensed in accordance with Chapter 4729 of the Ohio Revised Code.

SECTION 3. During this moratorium the Director of Law shall review the applicable statutes, and will report to Council as to the effect of HB 523 on the Codified Ordinances of the City of Lyndhurst.

SECTION 4. During this moratorium the Planning Commission shall likewise consider the effect of HB 523 upon the Codified Ordinances of the City of Lyndhurst, and shall report same to Council.

SECTION 5. It is hereby determined that no valid existing business in the City may expand in any way that would establish the cultivation, processing, or retail sale of medical marijuana for the duration of this moratorium.

SECTION 6. This moratorium shall be in effect for a period of six months from the effective date of this Ordinance, and may be extended by Council at its discretion if its consideration is not completed.

SECTION 7. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 7. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst because additional time is necessary to review the applicable legislation. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: March 6, 2017

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on March 16, 2017 and March 23, 2017.

Clerk of Council

First Reading: March 6, 2017

Second Reading: Suspended

Third Reading: Suspended