

RESOLUTION NO. 59-16
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCIL MEMBER John Beals ON THE 29th
DAY OF August, 2016.

A RESOLUTION IMPOSING A MORATORIUM FOR A PERIOD OF NINE (9) MONTHS (270 DAYS) ON THE GRANTING OF ANY PERMIT FOR ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF CENTERVILLE.

WHEREAS, Substitute House Bill 523, which is the Bill legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio becomes effective September 8, 2016; and

WHEREAS, for the purpose of this Resolution, the definitions “cultivators”, “processors”, and “retail dispensaries” are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter is effective September 8, 2016; and

WHEREAS, House Bill 523 provides that within one year of the bill’s effective date the Department of Commerce is to adopt rules establishing standards and procedures regarding a medical marijuana control program, including rules relating to cultivators and processors and within 240 days adopt rules for licensing of cultivators; and

WHEREAS, the bill provides that within one year of the bill’s effective date, the Board of Pharmacy is to adopt rules regarding retail dispensaries and patient/caregiver registration; (the rules of the Department of Commerce and rules of the Board of Pharmacy are hereinafter referred collectively as “the Regulations”); and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the City of Centerville; and

WHEREAS, the extent and provisions of the Regulations is currently unknown and will likely not be known by bill’s effective date and it is not clear if under the Regulations a municipality will be permitted to establish local licensing or the extent of zoning regulations that will be permitted by a municipality; and

WHEREAS, City Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical

marijuana-related businesses within the City of Centerville, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, City staff will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Centerville and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, the City of Centerville may desire to update its regulations in the Unified Development Ordinance or other City Ordinances regarding the zoning, prohibition and/or limitations of medical marijuana within the City since the current City guidelines do not adequately direct the permitting of such uses; and

WHEREAS, a moratorium of nine (9) months (270 days) on the granting of permits for medical marijuana-related businesses in the City of Centerville will allow City Council time to accomplish the City's goals and help ensure the public peace, health, safety, and welfare of its citizens.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. City Council hereby imposes a moratorium of nine (9) months (270 days) on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is to allow City staff to study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the City of Centerville and to prepare any necessary and related regulations in either the general municipal code or the Unified Development Ordinances.

Section 2. City Council seeks to limit the duration of the moratorium and to instruct the City Manager and City staff to immediately undertake a review of the new law and related issues. City staff will then recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

Section 3. City Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the City of Centerville during the nine (9) month (270 days) moratorium.

Section 4. Council further finds that a moratorium for nine (9) months (270 days) is reasonable and will allow the City Manager, City Planner and Centerville Planning Commission to propose and initiate action to address the issues outlined herein.


Section 5. This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS 29th day of August, 2016.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 59-16, passed by the Council of the City of Centerville, Ohio on the 29th day of August, 2016.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney