

AN ORDINANCE EXTENDING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA THROUGH DECEMBER 31, 2017, IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE LAW AND REGULATIONS, TO PLAN FOR LOCAL 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 it 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 gives this Council the power to adopt regulations prohibiting, regulating or limiting the number of 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 or prohibiting certain business uses; and

WHEREAS, on September 6, 2016, pursuant to Ordinance No. 16-146, this Council adopted a six (6) month moratorium on applications for, and the granting of, zoning certificates for any building, structure, use or change of use, that would enable the cultivation, processing, distribution, or sale of medical marijuana; and

WHEREAS, on February 7, 2017, pursuant to Ordinance 17-27, this Council extended the moratorium for an additional period not to exceed six (6) months; and

WHEREAS, the existing moratorium will expire on August 7, 2017; 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 ORDAINED by the Council of the City of Hudson in the County of Summit, 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 extends the current moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of medical marijuana in the City of Hudson through December 31, 2017.

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 hereby.

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 necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City for the reasons set forth in the recitals of this Ordinance; wherefore, this Ordinance shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of this Council except that six (6) affirmative votes shall be required if all members are present.

PASSED:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 17-100 was duly passed by the Council of the City of Hudson on _____, 2017.

Elizabeth Slagle, Clerk of Council