

ORDINANCE NO. 2017 - ____

BY COUNCILMEMBER _____

AN ORDINANCE AMENDING CHAPTER 1157, “ZONING USES”, OF THE CODIFIED ORDINANCES BY ENACTING NEW SECTION 1157.09, “MEDICAL MARIJUANA”.

WHEREAS, Substitute HB No. 523, passed by the 131st Ohio General Assembly and thereupon signed by Governor John Kasich on June 9, 2016, authorized the use of marijuana for medical purposes and established the Ohio medical marijuana control program; and

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.39, which authorized the legislative authority of a municipal corporation to adopt, by ordinance, restrictions, including the prohibition of cultivators, processors, and dispensaries of medical marijuana within said municipal corporation; and

WHEREAS, the Village Council has determined it to be in the best interest of the Village of Gates Mills’ health, safety, and welfare of the Village of Gates Mills and its residents to prohibit the cultivation, processing, or dispensing of marijuana for medical purposes in any form within the Village; and

WHEREAS, Chapter 1157 of the Gates Mills Codified Ordinances, “Zoning Uses”, is to be amended as provided herein by enacting new Section 1157.09, “Medical Marijuana”..

NOW, THEREFORE, BE IT ORDAINED by Council of the Village of Gates Mills, State of Ohio, that:

SECTION 1. Cultivation, processing, or dispensing of marijuana for medical purposes is hereby specifically prohibited with in the Village of Gates Mills.

SECTION 2. A new Section 1157.09 to the Village’s Codified Ordinances, entitled “Medical Marijuana,” is hereby adopted to provide as follows:

“SECTION 1157.09 PROHIBITION OF MEDICAL MARIJUANA ACTIVITIES.

(a) Definitions.

- (1) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
- (2) “Cultivate” means to grow, harvest, package, and transport medical marijuana pursuant to Chapter 3976 of the Ohio Revised Code.
- (3) “Cultivator” means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code.
- (4) “Dispensary” means the an entity licensed pursuant to sections 3796.04 and 3796.10 of the Ohio Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.

- (5) “Dispense” means the delivery of medical marijuana to a patient or the patient’s registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who has an active patient registration with the State of Ohio Board of Pharmacy, authorizing them to receive medical marijuana.
 - (6) “Manufacture” means the process of converting harvested plant marijuana into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
 - (7) “Medical marijuana entity” means a licensed medical marijuana cultivator, processor, dispensary, or testing laboratory.
 - (8) “Medical marijuana product” means a product that contains cannabinoids that has been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches, and other forms approved under division (A)(6) of section 3796.06 of the Ohio Revised Code.
 - (9) “Plant material” means the leaves, stems, buds, and flowers of the marijuana plant, and does not include seedlings, seeds, clones, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana.
 - (10) “Plant-only processor” means a cultivator that has received a license from the Ohio Department of Commerce for the limited purpose of packaging, selling, and delivering finished plant material directly to a licensed dispensary for sale to a patient or caregiver.
 - (11) “Processor” means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products.
- (b) Prohibited Activities. All medical marijuana activities to include the cultivation, processing, or dispensing of marijuana for medical purposes is prohibited in all zoning districts in the Village of Gates Mills.”

SECTION 3. 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 of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Ohio R.C. 121.22.

SECTION 5. This Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed the ____ day of _____, 2017.

President of Council

ATTEST:

Clerk

Mayor