

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2017-49

By Nick Haschka Sponsored By Mayor Cyril M Kleem
A RESOLUTION

TO IMPOSE A MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS OR CERTIFICATES OF OCCUPANCY ALLOWING THE CULTIVATION, PROCESSING OR RETAIL DISPENSING OF MARIJUANA FOR MEDICAL PURPOSES WITHIN THE CITY OF BEREAL, AND DECLARING AN EMERGENCY.

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

WHEREAS, for the purposes of this Resolution, the definitions of "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 was effective September 8, 2016; and

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.29, which authorized the legislative body of a municipal corporation to adopt, by Ordinance, restrictions that include limiting the number of, or entirely prohibiting, cultivators, processors and retail dispensaries within said municipal corporation; and

WHEREAS, this Council has determined it to be in the best interest of the community health, safety and welfare to take time to undertake a review of all applicable laws and 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 activities and businesses within the City of Berea; and

WHEREAS, the City's Administration, Council and the Planning Commission will require additional time to review and make recommendations on business regulations, zoning, prohibition and/or limitations of medical marijuana-related activities and businesses so that any necessary regulations conform to the goals of the City of Berea and are in the best interest of the community health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1. Council hereby imposes a moratorium on the granting of any permits or certificates of occupancy, or any building or structural use or change of use, that would enable the cultivation, processing or retail dispensing of medical marijuana for a period of six months from the effective date of this Resolution, in order to afford the City's Administration, Council and Planning Commission adequate time to review and make recommendations on business regulations, zoning, prohibition and/or limitations of medical marijuana-related activities and businesses.

SECTION 2. No building permits, certificates of occupancy or any other permits shall be granted to any business owner who intends to open, use any land or devote any floor area to the business for purposes of the cultivation, processing or retail dispensing of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing or retail dispensing of medical marijuana for the duration of the moratorium.

SECTION 3. The moratorium shall be in effect for a period of six months from the effective date of this Resolution, or until changes are enacted to amend the Codified Ordinances of the City of Berea to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

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SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

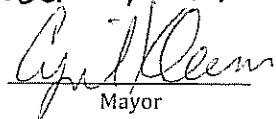
SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to take time to review the prohibition and/or limitations of the cultivation, processing or retail dispensing of marijuana for medical purposes before the Substitute House Bill 523 goes into effect as dictated by the health, safety and welfare of the community. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: October 16, 2017


President of Council

ATTEST: Allyson Eas
Clark of Council

APPROVED: October 16, 2017


Mayor

Approved as to Form:


Director of Law