

# BEREA CITY COUNCIL

*City of Berea, Ohio*

ORDINANCE NO. 2024- \_\_

By: \_\_\_\_\_ Sponsor: Mayor Cyril M. Kleem; Councilman Gene Zacharyasz

## AN ORDINANCE

**PROHIBITING CANNABIS CULTIVATING AND CANNABIS PROCESSING OPERATIONS IN THE CITY OF BEREА, AND LIMITING THE TOTAL NUMBER OF CANNABIS DISPENSARIES IN THE CITY OF BEREА TO ONE, PURSUANT TO CHAPTER 3780 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio voters approved State Issue 2 on November 7, 2023, which legalized adult-use marijuana; and

**WHEREAS**, Revised Code Chapter 3780 – Adult Use Cannabis Control, became effective on December 7, 2023; and

**WHEREAS**, Revised Code Section 3780.25 authorizes the legislative authority of a municipal corporation to prohibit or limit the number of cannabis operations within its jurisdiction; and

**WHEREAS**, the Council of the City of Berea is supportive of allowing an adult-use cannabis dispensary in the City of Berea; and

**WHEREAS**, the Council of the City of Berea has also determined, however, that in the interests of public safety, it is reasonable to limit the total number of cannabis dispensaries in the City to just one; and

**WHEREAS**, the Council of the City of Berea has also determined that cannabis cultivation and cannabis processing operations should be prohibited.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, County of Cuyahoga, and State of Ohio:

**SECTION 1.** That pursuant to the authority granted to the Council of the City of Berea in Revised Code Section 3780.25, this Council hereby determines that it is reasonable and necessary to prohibit all cannabis cultivation and processing operations within its jurisdiction under Revised Code Chapter 3780.

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**SECTION 2.** That pursuant to the authority granted to the Council of the City of Berea in Revised Code Section 3780.25, this Council hereby determines that no more than one cannabis dispensary of any kind shall be permitted within its jurisdiction under Revised Code Chapter 3780.

**SECTION 3.** That 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the residents of the City of Berea, Ohio, or providing for the usual daily operation of a municipal department, and for the further reasons as set forth and defined in the preamble to this Ordinance. Therefore, provided that this Ordinance 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 earlier period allowed by law.

PASSED:

\_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED:

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Director of Law