

RESOLUTION 52-2023

INTRODUCED BY: Mayor James P. Graven and Council as a Whole

A RESOLUTION IMPOSING A MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE CITY OF OLMSTED FALLS, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters will automatically be incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and become effective on December 7, 2023 with no further action required by the Ohio General Assembly (the “Act”) and;

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis” shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult use marijuana program; and

WHEREAS, Council and the Mayor may adopt legislation that provides for the orderly implementation of adult use cannabis in the City consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted and the City has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate moratorium on any cultivation, processing, or retail dispensing of marijuana for adult

use business purposes in any form within the City of Olmsted Falls, except as required by the Act. Now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Except as required by the Act, the Mayor and Council hereby impose an immediate moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of adult use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

SECTION 2. The purpose of this moratorium is to allow the City Administration and Council to consider potential amendments to pertinent Codified Ordinances, including the Olmsted Falls Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the City.

SECTION 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the City during the moratorium, except as may be required by the Act with respect to existing dispensaries of marijuana products for medical use.

SECTION 4. The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of September 7, 2024, until changes are enacted to amend the Codified Ordinances of the City of Olmsted Falls to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 5. This Council finds and determines that all formal actions of this Council relating to adoption of this Resolution have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls, Ohio and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution. Therefore, this Resolution shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

ADOPTED: _____

APPROVED BY: _____
James P. Graven, Mayor _____
Date

APPROVED AS TO FORM: _____
Max Rieker, Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Munteanu	_____	_____
Chitester	_____	_____
Coy	_____	_____
McFadden	_____	_____
Wolanin	_____	_____
Buchholz	_____	_____
Saari	_____	_____