

ORDINANCE NO. 2017-87

AN ORDINANCE ADOPTING A PERMANENT BAN 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 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

WHEREAS, H.B. 523 became effective on September 8, 2016 and is now codified in Chapter 3796 of the Ohio Revised Code; and

WHEREAS, Ohio Revised Code Chapter 3796, 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, City Council previously passed Ord. No. 2016-103 on September 20, 2016 imposing a temporary moratorium for a period of one year 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, the rules and regulations pertaining to Chapter 3796 will be fully completed and finalized on or about September 8, 2017; 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, the City has decided to exercise its rights pursuant to O.R.C. 3796.29 and ban the cultivation, processing, sale and use of medical marijuana in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

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 establishes permanent ban 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 Stow.

SECTION 3. No existing business in the City of Stow may expand in any way that would establish the cultivation, processing, distribution or sale of medical marijuana.


SECTION 4. This ordinance does not limit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

SECTION 5. 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  
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(Permanent Ban – Zoning Regulations  
- Cultivation and Distribution of Medical Marijuana)

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 6. This Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reasons set forth in the recitals of this ordinance, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.


ADOPTED BY COUNCIL 7/27/17

ATTEST   
Bonnie J. Emahiser  
CLERK OF COUNCIL

  
Mike Rasor  
PRESIDENT OF COUNCIL

FILED WITH MAYOR 7/31/17

FILED WITH CLERK 7/31/17

APPROVED   
Sara Kline  
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE 8/30/17

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Amber K. Zibritosky  
LAW DIRECTOR