

REQUESTED BY:
BROWN

LAW DEPARTMENT
DRAFT NO. 3621

TITLE

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND SAFETY TO IMPOSE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED ONE YEAR FROM THE EFFECTIVE DATE OF THIS ORDINANCE, IN ORDER TO ALLOW COUNCIL AND THE CITY OF WARREN PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE CITY OF WARREN ZONING CODE RELATIVE TO SUCH USE, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12691/16

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into Law 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a City to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, as such, the Council of the City of Warren, Ohio, requires additional time to undertake a review of all applicable codes Statewide and within the City in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, Municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the Municipality including restricting areas used for businesses and trades; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the Mayor and Director of Public Service of Safety be, and hereby are, authorized, for and on behalf of the City of Warren to impose a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed one year from the effective date of this Ordinance, in order to allow Council and the City of Warren Planning Commission to review applicable Ohio statutes, criminal codes and the City of Warren Zoning Code relative to such use.

Section 2: For the purpose of this Ordinance, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

Section 3: No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale 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 sale of medical marijuana for the duration of the moratorium.

