

ORDINANCE NO. 36 - 16

By: Stephen Keyes

AN ORDINANCE TO IMPOSE A MORATORIUM ON MARIJUANA CULTIVATION, PROCESSING, AND DISPENSING IN THE CITY OF BEXLEY, AND TO DECLARE AN EMERGENCY

WHEREAS, Substitute HB No. 523 (“the Act”), passed by the 131st Ohio General Assembly and thereupon signed by Governor Kasich, June 9, 2016, authorized use of marijuana for medical purposes and established the medical marijuana control program; and

WHEREAS, the Act took effect September 9, 2016; and

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.29, which authorizes the legislative authority of a municipal corporation to adopt by Ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within said municipal corporation; 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, prohibiting and/or regulating certain business uses; and

WHEREAS, the Act provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program; and

WHEREAS, at least until such time as these regulations are adopted and the residents and Council of the City of Bexley have had opportunity to study them, and to study the City’s Codified Ordinances in relation to them and H.B. 523, this City Council has determined it to be in the best interest of the community health, safety, and welfare to impose a moratorium on any cultivation, processing or retail dispensing of marijuana for medical purposes in any form within the city;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bexley, Ohio:

SECTION 1: That cultivation, processing, or retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere within the City of Bexley for a period of eighteen (18) months from the date of this Ordinance’s adoption. Activities subject to this moratorium include, but

are not limited to, the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy or certificates of occupancy that would enable the cultivation, processing, distribution or sale of medical marijuana in the City of Bexley.

SECTION 2:

That no existing business in the City may expand in any way that would establish the cultivation, processing, distribution or sale of medical marijuana for the duration of the moratorium period established this Ordinance.

SECTION 3:

That upon the expiration of the eighteen (18) month moratorium, Council may lift said moratorium by vote in accordance with Council Rules and applicable law, but that the moratorium shall remain in place until Council affirmatively takes such action to lift it.

SECTION 4:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, such necessity arising so that the moratorium upon the cultivation, processing or retail dispensing of marijuana for medical purposes be in place prior to any potential user vesting rights to conduct such activities, and therefore this Ordinance shall be effective immediately upon passage.

Passed: _____, 2016

Tim Madison, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2016

Ben Kessler, Mayor

First Reading: 9/27/16
Second Reading:
Third Reading: