

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 12 – 23 - 72

A RESOLUTION IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUING AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSERIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE CITY OF CLAYTON, OHIO

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Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,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, 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, City staff requires time to make informed recommendations to Council regarding potential changes to the City’s Codified Ordinances based on Council’s determination whether to allow, limit, or prohibit adult use cannabis operators within the City of Clayton; and

WHEREAS, a moratorium on adult use cannabis as specified herein within the City will allow Council and staff time to accomplish the City’s goals stated herein and will help ensure the public peace, health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

Section 1: Council hereby imposes an immediate moratorium on the issuance and processing of any permits for operators, 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 amendments to pertinent Codified Ordinances, including the Clayton 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 hereby directs and orders that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the City during the moratorium.

Section 4. The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of June 15, 2024, until changes are enacted to amend the Codified Ordinances of the City of Clayton to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

ADOPTED BY COUNCIL ON DECEMBER 18, 2023.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:


Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Register Herald

Dec 27, 2023

Barbara Stein

CLERK