

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 05 – 24 - 31

A RESOLUTION EXTENDING 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 approved by Ohio voters has been incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99; 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 final rules and regulations have not yet been implemented; 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, via adoption of Resolution No. R-12-23-72, Council enacted an immediate moratorium on the issuing and processing of permits for retail dispensaries, cultivators, or processors of adult use marijuana to afford City staff 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, Resolution No. R-12-23-72 provides that the aforementioned 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”; and

WHEREAS, extending the aforementioned moratorium beyond June 15, 2024 on adult use cannabis as specified herein within the City will allow Council and staff additional 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 extends and 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 additional time for 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 immediate effect and will expire on September 15, 2024.

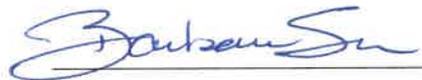
Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were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

ADOPTED BY COUNCIL ON MAY 16, 2024.

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

Eaton Register Herald
Barbara Sejn

May 22, 2024

CLERK