

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

June 24, 2025

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 06 – 25 – 07

AN ORDINANCE PROHIBITING ADULT USE CANNABIS CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES WITHIN THE CITY OF CLAYTON, OHIO AND DECLARING AN EMERGENCY

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 resulting in the enactment of Ohio Revised Code Chapter 3780 legalizing and regulating the cultivation, sale, and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate laws that further the health, safety, welfare, comfort, and peace of its citizens, including restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, via adoption of Resolution No. R-12-23-72 on December 18, 2023, 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, via adoption of Resolution No. R-09-24-28 Council extended the aforementioned 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, based on the review of pertinent information from City staff and input from the City’s public safety leadership regarding the potential impact of adult use cannabis activities on the Clayton community, Council has determined that permitting adult use cannabis cultivation, processing, and/or retail dispensary activities within the City limits would have a negative impact on the community; and

WHEREAS, Council finds it in the best interests of the public health, safety, and general welfare of the citizens of Clayton to prohibit adult use cannabis operators including adult use cannabis cultivation, processing, and retail dispensary activities within the City limits of Clayton.

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

SECTION 1: That adult use cannabis operators, including, adult use cannabis cultivators, processors, and retail dispensaries are hereby prohibited within all zoning districts and the entire City limits of the City of Clayton, Ohio.

SECTION 2: Part Eleven of the Clayton Codified Ordinances shall be amended to include the following Chapter 1121.08:

Chapter 1121.08 ADULT USE CANNABIS AND MARIJUANA RELATED OPERATIONS

1121.08.1 ADULT USE CANNABIS PROHIBITION

(a) For the purpose of this Chapter, certain words and terms used herein shall be interpreted as follows:

(1) The words or terms “Adult Use Cannabis”, “Adult Use Cultivator”, “Adult Use Cannabis Operator”, “Adult Use Dispensary”, “Adult Use Cannabis Processor” and “Adult use extract” as used in this Chapter shall have the same meanings as defined or described in Chapter 3780 of the Ohio Revised Code.

(b) Prohibition on adult use cannabis and related operation within the City.

(1) Adult use cannabis operators, adult use cultivators, or adult use processors, including all cultivation, processing and retail dispensing of adult use cannabis or adult use extract, whether permitted under Chapter 3780 of the Ohio Revised Code or not, are prohibited in all zoning districts within the entire corporate limits of the City of Clayton, Ohio.

No zoning permit or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted to any person, entity, or other applicant desiring or intending to operate as an adult use operator within the corporate limits of the City.

(2) This prohibition shall not be applicable to any adult use testing laboratory having been issued a license under Chapter 3780 of the Ohio Revised Code to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.

(3) Nothing herein shall prohibit the legal personal use, cultivation, or possession of adult use cannabis by individuals within the City as may be provided for in Chapter 3780.29 of the Ohio Revised Code.

SECTION 3: No provision set forth in the Codified Ordinances of the City of Clayton shall be interpreted as permitting (conditionally or as of right) any adult use cannabis cultivation, processing, or retail dispensary activities within the City limits of Clayton, Ohio.

SECTION 4: It is found that all formal actions of this Council concerning and relating to the adoption of this Emergency Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public's health, safety, and welfare. The reason for said emergency is to permit immediate implementation to assert the City's rights under Ohio Revised Code 3780.25, and therefore this Ordinance shall take immediate effect and be in force and effect immediately upon passage.

SECTION 6: That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

SECTION 7: That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) members of Council.

ADOPTED BY COUNCIL ON JUNE 24, 2025

ORDINANCE NO. O – 06 – 25 – 08

**AN ORDINANCE PROHIBITING ADULT USE CANNABIS CULTIVATORS,
PROCESSORS, AND RETAIL DISPENSARIES WITHIN THE CITY OF CLAYTON,
OHIO AND DECLARING AN EMERGENCY**

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 resulting in the enactment of Ohio Revised Code Chapter 3780 legalizing and regulating the cultivation, sale, and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate laws that further the health, safety, welfare,

comfort, and peace of its citizens, including restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, via adoption of Resolution No. R-12-23-72 on December 18, 2023, 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, via adoption of Resolution No. R-09-24-28 Council extended the aforementioned 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, based on the review of pertinent information from City staff and input from the City's public safety leadership regarding the potential impact of adult use cannabis activities on the Clayton community, Council has determined that permitting adult use cannabis cultivation, processing, and/or retail dispensary activities within the City limits would have a negative impact on the community; and

WHEREAS, Council finds it in the best interests of the public health, safety, and general welfare of the citizens of Clayton to prohibit adult use cannabis operators including adult use cannabis cultivation, processing, and retail dispensary activities within the City limits of Clayton.

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

SECTION 1: That adult use cannabis operators, including, adult use cannabis cultivators, processors, and retail dispensaries are hereby prohibited within the entire City limits of the City of Clayton, Ohio.

SECTION 2: Part Seven of the Clayton Codified Ordinances shall be amended to include the following Chapter 733:

Chapter 733 ADULT USE CANNABIS AND MARIJUANA RELATED OPERATIONS

733.01 ADULT USE CANNABIS PROHIBITION

(b) For the purpose of this Chapter, certain words and terms used herein shall be interpreted as follows:

(1) The words or terms “Adult Use Cannabis”, “Adult Use Cultivator”, “Adult Use Cannabis Operator”, “Adult Use Dispensary”, “Adult Use Cannabis Processor” and “Adult use extract” as used in this Chapter shall have the same meanings as defined or described in Chapter 3780 of the Ohio Revised Code.

(b) Prohibition on adult use cannabis and related operation within the City.

(1) Adult use cannabis operators, adult use cultivators, or adult use processors, including all cultivation, processing and retail dispensing of adult use cannabis or adult use extract, whether permitted under Chapter 3780 of the Ohio Revised Code or not, are prohibited within the entire corporate limits of the City of Clayton, Ohio.

(2) This prohibition shall not be applicable to any adult use testing laboratory having been issued a license under Chapter 3780 of the Ohio Revised Code to have custody and use of adult use cannabis for scientific purposes and for purposes of instruction, research, or analysis.

(3) Nothing herein shall prohibit the legal personal use, cultivation, or possession of adult use cannabis by individuals within the City as may be provided for in Chapter 3780.29 of the Ohio Revised Code.

733.02 PENALTY.

(a) Any person, firm, or corporation who violates any provision of this Chapter shall be guilty of a misdemeanor of the third degree. Each day such violation continues shall constitute a separate offense.

SECTION 3: No provision set forth in the Codified Ordinances of the City of Clayton shall be interpreted as permitting (conditionally or as of right) any adult use cannabis cultivation, processing, or retail dispensary activities within the City limits of Clayton, Ohio.

SECTION 4: It is found that all formal actions of this Council concerning and relating to the adoption of this Emergency Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public’s health, safety, and welfare. The reason for said emergency is to permit immediate implementation to assert the City’s rights under Ohio Revised Code 3780.25, and therefore this Ordinance shall take immediate effect and be in force and effect immediately upon passage.

SECTION 6:

That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

SECTION 7:

That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) members of Council.

ADOPTED BY COUNCIL ON JUNE 24, 2025
