Resolution 44-24

A Resolution extending the moratorium established by Resolution 45-23 on the issuance and processing of permits allowing retail dispensaries, cultivators, or processors of adult use marijuana/cannabis for an additional period until December 31, 2025; and declaring an emergency.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Ohio Revised Code, effective December 7, 2023, which legalized and provided for the regulation of "adult use cannabis" as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth;

WHEREAS, Section 3780.25 of the Revised Code gives this Council the authority to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators licensed under Chapter 3780 of the Revised Code within the City;

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 regulations and laws that further the health, safety, welfare, and peace of its citizens, including restricting or prohibiting certain business uses;

WHEREAS, this Council has determined that the public peace, health, safety, and general welfare is preserved by establishing a moratorium on the applications for zoning approvals, building permits, and certificates of occupancy related to adult use cannabis through December 7, 2024 by adopting Resolution 45-23, effective December 18, 2023, and now Council finds it necessary, to extend that moratorium for an additional period of time through December 31, 2025 in order to determine whether to prohibit adult cannabis businesses in the City or whether to otherwise permit and regulate such businesses;

WHEREAS, this Council has further determined that additional time is needed to review the applicable state regulations therefor and information regarding the establishment of such businesses statewide, as well as the City's Codified Ordinances, and to plan for and formulate a response to adult use cannabis within the City, along with the assistance of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, County of Wayne, State of Ohio, that:

Section 1. This Council hereby extends the moratorium established by its Resolution No. 45-23 for an additional period of time through December 31, 2025, on the acceptance of any application for, or the granting of, any zoning approvals, building permits, and certificates of occupancy for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution, or sale of adult use cannabis in the City of Orrville, Ohio.

Section 2. No existing business in the City of Orrville may expand in any way that would establish the cultivation, processing, distribution, or sale of adult use cannabis for the duration of the moratorium period established by this Resolution.

Section 3. All formal actions of this Council related to this Resolution and all 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, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants thereof for the reason that this action is necessary to enable the City to fully study, debate and receive public input regarding the impacts of Chapter 3780 of the Ohio Revised Code and its effects on the City and the health, safety and general welfare of its inhabitants and upon its passage shall be in full force and effect from and after its approval by the Mayor or, otherwise, take effect and be in force from and after the earliest period provided by law.

Resolution 44-24

Passed this 2nd day of December, 2024.

President of Council Paul Vance

Attest:

Clerk of Council Jeanne Gault

Approved:

Mayor Matthew Plybon

12-02-2024
Date

I, Jeanne Gault, Clerk of Council of the City of Orrville do hereby certify this legislation _____ adopted on_____was duly posted on_____ within 10 days as required by the Charter of said City.