

ORDINANCE NO. 161-16

BY: **ALLAN DIVIS**
(By Request – Mayor)

AN ORDINANCE PLACING A TEMPORARY MORATORIUM,
NOT TO EXCEED SIX (6) MONTHS, TO ESTABLISH
STANDARDS, PROCEDURES, LICENSURE AND RULES
REGARDING THE CULTIVATION, PROCESSING AND
DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY
OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, and welfare, comfort and peace of the citizens of the municipality, including restricting areas uses for businesses and trades; and,

WHEREAS, in June of 2016, the 131st General Assembly of the Ohio Legislature passed Substitute House Bill 523, which allows individuals with a qualifying medical condition to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess and use medical marijuana for the treatment of said condition. This law will become effective on September 8, 2016; and,

WHEREAS, Substitute House Bill 523 further provides that entities may seek application for license with the Department of Commerce to conduct laboratory testing, cultivation, processing or retail and/or retail dispensing of medical marijuana. Municipal corporations may adopt an ordinance to prohibit or limit the number of cultivators, processors or retail dispensaries within the municipal corporation; and

WHEREAS, this Council desires to withhold the issuance of any licenses/permits within the City of Parma for a temporary period of time, not to exceed six (6) months, while it undertakes a review and/or study of the Ordinances of the City of Parma, including the zoning, utilities, building and business regulation sections of the Parma Codified Ordinances as it relates to establishments which will offer medical marijuana for sale; and,

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace and comfort for the citizens of the City of Parma more effectively if a moratorium is in place;

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

Section 1. That Council hereby approves a temporary moratorium, not to exceed six (6) months, on the granting of permits for the number of cultivators, processors or retail dispensaries of medical marijuana licensed within the City of Parma, with said moratorium to expire on or about March 6, 2017.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Pg. 2 of L-161-16 Ord. placing a temporary moratorium, not to exceed six (6) months, on the granting or prohibiting the number of cultivators, processors or retail dispensaries of medical marijuana licensed within the City of Parma, and declaring an emergency

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order to establish this temporary moratorium prior to the effective date of Substitute House Bill 523, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO