

***CHAPTER 872. RECREATIONAL MARIJUANA ~~SALE OF DRUG~~
~~PARAPHERNALIA~~***

Sec. 872.01. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT USE CANNABIS or CANNABIS or MARIJUANA or MARIHUANA. These terms are defined as the term “marihuana” is defined in Ohio Revised Code Section 3719.01.

ADULT USE CANNABIS OPERATOR. A level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary, as defined by Ohio Revised Code Section 3780.01.

ADULT USE CULTIVATOR. A level 1 adult use cultivator or a level II adult use cultivator.

ADULT USE DISPENSARY. A person licensed pursuant to Ohio Revised Code Section 3780.15, other provisions of Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to sell adult use cannabis authorized.

ADULT USE PROCESSOR. A person licensed pursuant to Ohio Revised Code Section 3780.14, other provisions of Chapter 3780 of the Ohio Revised Code, and any rules promulgated thereunder to manufacture adult cannabis as authorized.

LEVEL I ADULT USE CULTIVATOR, LEVEL II ADULT USE CULTIVATOR, AND LEVEL III ADULT USE CULTIVATOR. These terms are defined as they are defined in Ohio Revised Code Section 3719.01.

As used in this chapter:

Drug paraphernalia means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of law. "Drug paraphernalia" includes, but is not limited to:

Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body; and

Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

Water pipes;

Carburetion tubes and devices;

Smoking and carburetion masks;

Roach clips, meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

Miniature cocaine spoons and cocaine vials;

Chamber, carburetor, electric and air driven pipes;

Chillums and bongs; and

Ice pipes or chillers.

Sec. 872.02. Adult Use Cannabis Operators Prohibited License required.

Pursuant to Ohio Revised Code Section 3780.25, adult use cannabis operators are strictly prohibited in the City of Bellbrook.

No person, as a principal, clerk, agent or servant, shall sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined in the Ohio Revised Code, without first obtaining a license therefor as provided in this chapter. Such license shall be in addition to any and all other licenses held by the applicant.

Sec. 872.03. Penalty Application for licenses.

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor of the first degree.

An application for a license required by Section 872.02 shall be filed with the Chief of Police. Such application shall be in addition to any requirements for other licenses as provided in these Codified Ordinances. The

application shall include the names of all persons financially interested in such business, the name, residence and age of the person who will manage or operate such business and the location of such business. The application shall also state whether the manager or any person financially interested in such business has had a license to operate such a place of business revoked or refused, or has, within five years prior to such application, been convicted of a violation of any law relating to the regulation of, or the manner of conducting, the business for which the license is requested. The application shall be accompanied by affidavits signed by the applicant and by each and every employee authorized to sell such items, that such persons have never been convicted of a drug related offense. Such application shall be signed by the owner in the case of an individual or partnership, or by the president or manager in the case of a corporation or association.

Sec. 872.04. Investigations; issuance and effective period of licenses.

The Chief of Police shall cause an investigation to be made to determine the truthfulness of the statements made in the application and may deny the issuance of a license if it is found that the applicant or his or her manager has, within five years thereof, had such a license revoked, has been convicted of an offense relating to the regulation of, or the manner of conducting, such business, or has been convicted of a drug related offense at any time. Otherwise, the Chief shall, upon payment of the fee provided for in Section 872.05, issue a license authorizing the person to maintain and operate the business stated in the application, at the location stated, for a period expiring on December 31 next ensuing. However, when an application is filed between December 1 and 31, it shall not expire until December 31 of the following year. Such license is conditioned upon the licensee complying in all respects with the statutes of the State and the ordinances of the City relating to the business carried on under such license.

Sec. 872.05. Fee.

The fee for the license required by Section 872.02 shall be two hundred fifty dollars (\$250.00) per year, which fee shall be paid to the City.

Sec. 872.06. Sales to minors.

No person shall sell or give any item described in Section 872.01, in any form, to any male or female person under nineteen years of age.

Sec. 872.07. Record of sales.

Every licensee shall keep a record of every item, effect, paraphernalia, accessory or thing, which is designed or marketed for use with illegal cannabis or drugs, which is sold. Such record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product sold, the date and time of the sale and the licensee's or his or her agent's signature. Such record shall be retained for not less than two years.

Sec. 872.08. Periodic inspections.

Periodic inspections shall be made at the discretion of the Division of Police to determine if records are kept in accordance with this chapter.

Sec. 872.09. Compliance required.

The applicant shall comply with all applicable regulations of these Codified Ordinances.

Sec. 872.99. Penalty.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty

~~days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.~~