

## **RESOLUTION NO. 2024-26**

### **A RESOLUTION ESTABLISHING A 360-DAY MORATORIUM ON THE CULTIVATION, PROCESSING, AND RETAIL DISPENSING OF ADULT-USE AND MEDICAL MARIJUANA IN THE VILLAGE OF MINERVA PARK**

**WHEREAS**, State Issue 2, approved by a majority of voters in the November 7, 2023 Ohio general election, legalized the commercial sale, recreational use, and home cultivation of marijuana for persons 21 years old and older (“Adult-Use Marijuana”); and

**WHEREAS**, State Issue 2 created the Ohio Division of Cannabis Control and required this Division to promulgate rules establishing standards and procedures for the commercial sale, recreational use, and home cultivation of Adult-Use Marijuana within nine months of its passage;

**WHEREAS**, since State Issue 2’s passage, State lawmakers have proposed two alternative bills to revise the administrative and tax structures adopted via State Issue 2, but have not adopted any amendments to-date; and

**WHEREAS**, the Ohio Division of Cannabis Control has not yet promulgated standards and procedures for the commercial sale, recreational use, and home cultivation of Adult-Use Marijuana; and

**WHEREAS**, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

**WHEREAS**, ORC § 3780.25, enacted by State Issue 2, affirms that municipalities may prohibit or limit the number of Adult-Use Marijuana operators within their corporation limits; and

**WHEREAS**, Chapter 3796 of the Ohio Revised Code permits the cultivation, processing, and establishment of medical marijuana dispensaries; and

**WHEREAS**, Section 3796.29 of the Ohio Revised Code authorizes a municipality to adopt an ordinance limiting the number of, or entirely prohibiting, cultivators, processors, or retail dispensaries of medical marijuana; and

**WHEREAS**, Village Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of Adult-Use Marijuana and medical marijuana by in accordance with Ohio Revised Code Section 3780.25 and 3796.29, or, to amend its business and/or zoning code and/or implement regulations regarding the location and operation of Adult-Use Marijuana-related businesses as well as medical marijuana-related businesses within the Village of Minerva Park, Ohio (the “City”), including retail dispensaries, cultivators, and processors; and

**WHEREAS**, a twelve-month moratorium on the permitting of Adult-Use Marijuana and medical marijuana-related businesses and uses in the Village will allow Village Council and staff time to

study these issues and the final regulations in order to ensure the public peace, health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

**Section 1:** There is hereby imposed a moratorium on the retail cultivation, processing, or dispensing of Adult-Use Marijuana and medical marijuana. Retail cultivation, processing, and dispensing of Adult-Use Marijuana and medical marijuana uses is specifically prohibited anywhere within the Village of Minerva Park, Ohio for a period of twelve months from the date of this Resolution's adoption. Activities subject to this moratorium include, but are not limited to, the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy, or certificates of occupancy that would enable the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana in the Village of Minerva Park.

**Section 2:** No existing business in the Village of Minerva Park may expand in any way that would establish the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana for the duration of the moratorium period established in this Resolution.

**Section 3:** The twelve-month moratorium may be extended by legislative action of Village Council if it determines that additional time is necessary based on the objectives of this Resolution.

**Section 4:** That due to the uncertain and evolving statutory and regulatory landscape concerning Adult-Use Marijuana and medical marijuana, this Resolution shall take effect at the earliest date allowed by law.

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Tiffany Southard, Mayor

First Reading: September 12, 2024  
Second Reading: September 26, 2024  
Third Reading: October 10, 2024  
Passed: October 10, 2024

**ATTEST**

**APPROVED AS TO FORM**

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Jeffrey Wilcheck, Fiscal Officer

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Jesse Shamp, Village Solicitor