

ORDINANCE NO. 2023-51

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE USE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MARIJUANA FOR RECREATIONAL OR NON-MEDICAL PURPOSES FOR A PERIOD NOT TO EXCEED TWELVE (12) MONTHS IN ORDER TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS AND GUIDELINES, TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2, which legalized and provided for the regulation of recreational marijuana, including cultivation, processing, sale, purchase, possession, and home growth, effective December 7, 2023.

WHEREAS, the State of Ohio does not currently have in place regulatory framework to guide Ohioans or local municipalities in the application of Issue 2.

WHEREAS, the newly enacted State law permits the legislative authority of a municipal corporation to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators permitted under the law within the municipal corporation.

WHEREAS, pursuant to the City Charter, as well as the Ohio Constitution, this Council has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens.

WHEREAS, the City needs additional time beyond the 30-days after passage to review its Codified Ordinances, the Ohio Revised Code, together with the rules and regulations to be implemented by the Division of Cannabis Control, to plan for and to formulate an appropriate response and regulation to the legalization of the use, cultivation, processing, distribution and/or sale of marijuana for recreational purposes.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:

Section 1. This Council establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the use, cultivation, processing, distribution or sale of marijuana in the City of Willowick for recreational or non-medical purposes, for a period of twelve (12) months from the date of adoption of this Ordinance by the Council.

Section 2. No existing business in the City may expand in any way that would establish the cultivation, processing, distribution or sale of non-medical marijuana for the duration of the moratorium period established hereby.

Section 3. 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 meeting open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be and is passed as an emergency measure, the emergency being the reasons set forth in the recitals of this Ordinance. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Willowick, Ohio.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Monica Koudela, Council President

Submitted to the Mayor: _____, 2023

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council