

ORDINANCE NO. 2022-14

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 ADULT USE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MARIJUANA FOR 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, TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.

WHEREAS, Governor John Kasich signed Substitute House Bill 523 ("H.B. 523") into law on June 8, 2016 (effective on September 8, 2016), which among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, sale, and use of medical marijuana;

WHEREAS, H.B. 523 gives this Council the power to adopt regulations prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the City, which the City is actively doing legislatively; and

WHEREAS, several initiative petitions have been filed and at least two (2) House bills have been introduced to encourage the state legislature to enact a law permitting the adult use, cultivation, processing, distribution and/or sale of marijuana for non-medical purposes;

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 regulation laws that further the health, safety, welfare, comfort and peace of its citizens; and

WHEREAS, the City needs additional time to review applicable sections of its Codified Ordinances and the Ohio Revised Code to plan for and to formulate an appropriate response to the legalization of the adult use, cultivation, processing, distribution and/or sale of marijuana for non-medical purposes while the petitions proceed through the legislative process.

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 adult use, cultivation, processing, distribution or sale of marijuana in the City of Willowick for 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: _____, 2022

Robert Patton, Council President

Submitted to the Mayor: _____, 2022

Richard J. Regovich, Mayor

Approved by the Mayor: _____, 2022

ATTEST: _____
Angela Trend, Clerk of Council