

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2024 – 005

By: Mayor Perciak and All Members of Council

**AN ORDINANCE ENACTING A NEW CHAPTER 841
“RECREATIONAL MARIJUANA” OF TITLE TWO OF PART EIGHT-
BUSINESS REGULATION AND TAXATION CODE OF THE
CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE
CONCERNING THE SALE OF RECREATIONAL MARIJUANA, AND
DECLARING AN EMERGENCY.**

WHEREAS, on November 7, 2023, electors in the State of Ohio General Election approved an issue known as Issue 2, an initiative petition to create a new Chapter 3780 of the Ohio Revised Code regarding adult use cannabis control to authorize and regulate the cultivation, processing, sale, purchase, possession, home grow, and adult use cannabis by adults at least twenty-one years of age; and

WHEREAS, on December 7, 2023, Chapter 3780 of the Ohio Revised Code went into effect; and

WHEREAS, Section 3780.25 of the Ohio Revised Code reads in pertinent part as follows:

- (A) The legislative authority of a municipal corporation may adopt an ordinance, or board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively; and

WHEREAS, in addition to Chapter 3780.25, Art. XVIII, §3 of the Ohio Constitution (“Home Rule amendment”), provides that “. . . municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”; and

WHEREAS, the City Council of the City of Strongsville further determines that the sale of adult use cannabis within the City of Strongsville does not promote and provide for the public peace, health, safety, convenience, comfort, prosperity and general welfare of its residents and pursuant to the authority granted by Art. XVIII, §3 of the Ohio Constitution and Section 3780.25 of the Ohio Revised Code, the City Council does wish to prohibit “adult use cannabis operators” within the City of Strongsville; and

WHEREAS, this Council finds it necessary to adopt a new Chapter 841 entitled “Recreational Marijuana” of the Codified Ordinances of the City of Strongsville to maintain the public peace, health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That this Council hereby enacts a new Chapter 841 Recreational Marijuana, of Title Two of Part Eight-Business Regulation and Taxation Code of the Codified Ordinances of the City of Strongsville, to read in its entirety as follows:

CHAPTER 841
Recreational Marijuana

841.01 Definitions.

841.02 Prohibitions.

841.99 Penalty.

841.01 DEFINITIONS.

As may be used in this Chapter, the following definitions set forth in Section 3780.01 of Chapter 3780 of the current Revised Code are applicable and restated herein:

(a) "Adult use cannabis" or "cannabis" or "marijuana" means marihuana as defined in Section 3719.01 of the Revised Code.

(b) "Adult use cannabis operator" means 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.

(c) "Adult use cultivator" means a level I adult use cultivator or a level II adult use cultivator.

(d) "Adult use dispensary" means a person licensed pursuant to Section 3780.15 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to sell adult use cannabis as authorized.

(e) "Adult use processor" means a person licensed pursuant to Section 3780.14 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to manufacture adult use cannabis as authorized.

(f) "Cultivation area" means the boundaries of the enclosed areas in which adult use cannabis is cultivated during the vegetative stage and flowering stage of the cultivation process. For purposes of calculating the cultivation area square footage, enclosed areas used solely for the storage and maintenance of mother plants, clones, or seedlings shall not be included.

(g) "Cultivation facility" means a facility where an adult use cultivator or a level III adult use cultivator is authorized to operate.

(h) "Dispensary" means a person who has a certificate of operation to operate a dispensary under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.

(i) "Level I adult use cultivator" means either a person who has a certificate of operation as a level I cultivator and who is licensed pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level I adult use cultivator pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

(j) "Level II adult use cultivator" means either a person who has a certificate of operation as a level II cultivator and who is licensed pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level II adult use cultivator pursuant to Section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

(k) "Level III adult use cultivator" means a person licensed pursuant to Section 3780.13 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.

(l) "Level I cultivator" means a person who has a certificate of operation to operate as a level I cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.

(m) "Level II cultivator" means a person who has a certificate of operation to operate as a level II cultivator under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.

(n) "License" means a license by the division of cannabis control to a license applicant pursuant to Chapter 3780 of the Revised Code and the rules adopted thereunder.

(o) "License applicant" means an individual or person who applies for a license under Chapter 3780 of the Revised Code.

(p) "License holder" or "Licensee" means an adult use cannabis operator, adult use testing laboratory or an individual who is licensed under the provisions of Chapter 3780 of the Revised Code.

(q) "Manufacture" means the process of converting harvested plant material into adult use extract by physical or chemical means for use as an ingredient in an adult use cannabis product.

(r) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(s) "Processor" means a person who has been issued a processing certificate of operation pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.

841.02 PROHIBITIONS.

(a) No person or entity shall operate within the City of Strongsville as an Adult Use Cannabis Operator.

(b) No person or entity owning, renting, leasing, or having any interest whatsoever in real property located within the City of Strongsville shall operate, authorize or permit any person or entity to operate within the City of Strongsville as an Adult Use Cannabis Operator.

(c) No person or entity shall enter upon or occupy any public property, street, or right-of-way within the City of Strongsville to operate as an Adult Use Cannabis Operator within the City of Strongsville.

841.99 PENALTY.

(a) Whoever violates Section 841.02(a) and/or Section 841.02(b) is guilty of a misdemeanor of the first degree. Each violation shall be deemed to be a separate offense.

(b) Whoever violates Section 841.02(c) is guilty of a misdemeanor of the first degree. Each violation shall be deemed to be a separate offense.

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 of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to address the issues associated with the regulation of recreational marijuana due to the passage of State Issue 2. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: January 2, 2024
 Second reading: January 16, 2024
 Third reading: February 5, 2024
 Public Hearing: March 18, 2024

Referred to Planning Commission
January 3, 2024
 Approved: by Planning Commission
January 11, 2024
Favorable recommendation

[Signature]
 President of Council

Approved: Thomas B. Spind
 Mayor

Date Passed: 03 18 2024

Date Approved: March 18, 2024

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kaminski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kosek	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Spring	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attest: [Signature]
 Clerk of Council

Ord. No. 2024-005 Amended: _____
 1st Rdg. 01-02-24 Ref: PC/P2E
 2nd Rdg. 01-16-24 Ref: P2E
 3rd Rdg. 02-05-24 Ref: P2E

Public Hrg. 03-18-24 Ref: _____
 Adopted: 03-18-24 Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Mitzi Anderson, Administrator to Boards & Commissions
FROM: Aimee Pientka, Clerk of Council
DATE: January 3, 2024
SUBJECT: Referral from Council: Ordinance No. 2024-005

At its regular meeting of January 2, 2024, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2024-005 by Mayor Perciak and All Members of Council. AN ORDINANCE ENACTING A NEW CHAPTER 841 "RECREATIONAL MARIJUANA" OF TITLE TWO OF PART EIGHT-BUSINESS REGULATION AND TAXATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE CONCERNING THE SALE OF RECREATIONAL MARIJUANA, AND DECLARING AN EMERGENCY.

A copy of this ordinance is attached for Planning Commission review.

AKP
Attachments

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Mitzi Anderson, Administrator, Boards & Commissions

SUBJECT: Referrals to Council

DATE: January 12, 2024

Please be advised that at its meeting of January 11, 2024, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2024-005:

An Ordinance Enacting a New Chapter 841 "Recreational Marijuana" of Title Two of Part Eight-Business Regulation and Taxation Code of the Codified Ordinances of the City of Strongsville Concerning the Sale of Recreational Marijuana, and Declaring an Emergency.