

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2017 – 135

By: Mayor Perciak and All Members of Council

A RESOLUTION EXTENDING THE MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF APPROVALS, LICENSES AND/OR PERMITS FOR BUILDING CONSTRUCTION OR RECONSTRUCTION, LAND OR BUILDING USE, OR OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR SALE OF MEDICAL MARIJUANA FOR AN ADDITIONAL PERIOD OF FOUR (4) MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE PLANNING COMMISSION TO CONTINUE TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE APPROPRIATE CODES RELATIVE TO SUCH USE, AND DECLARING AN EMERGENCY.

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law, 131 Sub. H.B. 523, which became effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations dealing with or limiting the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, as such, the City's Administration, Council and the Planning Commission require additional time to continue to review all applicable codes statewide and within the City in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades; and

WHEREAS, this Council, on September 6, 2016, declared and imposed a moratorium of six (6) months on the acceptance of any applications and the granting of building permits or certificates of occupancy, or approval of site plans for any building,

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structure, use or change of use that would enable the cultivation, processing or wholesale or retail sale of medical marijuana within the City of Strongsville; and

WHEREAS, this Council on February 21, 2017, extended the moratorium for six (6) months on acceptance of any applications and granting of building permits or certificates of occupancy, or approval of site plans for any building, structure, use or change of use that would enable the cultivation, processing or wholesale or retail sale of medical marijuana within the City of Strongsville; and

WHEREAS, the City has reviewed the possibility of such cultivation, processing or wholesale or retail sale of medical marijuana taking place in the City of Strongsville, as well as the consequences of such activity and establishments; and is considering the pertinent legislation and other technical and legal issues arising therefrom in order to properly protect and preserve the health, safety and welfare of the residents and citizens of the City.

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

Section 1. That this Council hereby extends the existing moratorium on consideration of any applications and the granting of building permits or certificates of occupancy, or approval of site plans for any building, structure, use or change of use that would enable the cultivation, processing or wholesale or retail sale of medical marijuana for an additional four (4) months from the effective date of this Resolution, in order to allow the City Administration, Council and the Planning Commission to continue to review applicable Ohio statutes, criminal codes and the Strongsville Zoning and Building Codes relative to such uses.

Section 2. That for the purpose of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

Section 3. That no applications shall be accepted and building permits, certificates of occupancy, approval of site plans, or approval of any other permits shall be granted to anyone who intends to open, use any land or devote any floor area of a property for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No existing property or use in the City may expand in any way that would establish cultivation, processing, or wholesale or retail sale of medical marijuana for the duration of the moratorium.

Section 4. That the moratorium shall be in effect for a period of four (4) months from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Strongsville to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 actions were in meetings open to the public, in compliance with all legal requirements.

Section 6. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to afford the City a sufficient period of time to properly research and address the issues associated with passage of 131 Sub. H.B. 523, and medical marijuana. Therefore, provided this Resolution 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.

Kenneth M. Dooner
 President of Council

Approved: Thomas S. Bruier
 Mayor

Date Passed: July 17, 2017

Date Approved: July 18, 2017

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Daymut	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Dooner	<input checked="" type="checkbox"/>	_____
Schonhut	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____
Southworth	<input checked="" type="checkbox"/>	_____

Attest: Aimee Piontko
 Clerk of Council

ORD. No. 2017-135 Amended: _____
 1st Rdg. 07-17-17 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: 07-17-17 Defeated: _____