

RESOLUTION NO. 1-2017

**A RESOLUTION IMPOSING A TWELVE MONTH MORATORIUM
ON THE ISSUANCE AND PROCESSING OF PERMITS FOR RETAIL
MEDICAL MARIJUANA DISPENSARIES, CULTIVATORS AND/OR
PROCESSING WITHIN THE VILLAGE OF MARBLEHEAD, OHIO**

WHEREAS, Substitute House Bill 523, legalizing the cultivating, processing and dispensing of medical marijuana in the State of Ohio, became effective September 8, 2016; and

WHEREAS, for the purposes of this Resolution, “cultivators,” “processors,” and “retail dispensaries” shall utilize the same definitions as set forth in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, entitled Medical Marijuana, which became effective on September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes municipalities to limit the number of, or to entirely prohibit, cultivators, processors or retail dispensaries licensed under Ohio Revised Code Section 3796.29; and

WHEREAS, Village Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana in accordance with Ohio Revised Code Section 3769.29, or, to amend its business and/or zoning code and/or implement regulations regarding the location and operation of medical marijuana-related businesses within the Village, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

WHEREAS, a twelve month moratorium on the granting of permits for medical marijuana-related businesses in the Village will allow Council and staff time to study these issues in order to ensure the public peace, health, safety, and welfare; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MARBLEHEAD, OTTAWA COUNTY, OHIO:

Section 1. Council of the Village of Marblehead hereby imposes a twelve month moratorium on the issuance and processing of permits for cultivators, processors, and retail dispensaries of medical marijuana effective immediately. The purpose of this moratorium is so that Council and staff may study the new law and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the Village and to prepare any necessary amendments to the Village’s zoning or Codified Ordinances, in order to ensure the public peace, health, safety and welfare.

Section 3. Council hereby directs that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by the Village during the twelve month moratorium or the extended moratorium period.

Section 4. That it is found and determined that all formal actions of the Council of the Village of Marblehead, Ohio, 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 or commissions that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 6. That this Resolution shall take effect and be in full force and operation at the earliest date permitted by law.

Approved: February 22, 2017

Jacqueline A. Bird
Jacqueline A. Bird, Mayor

ATTEST:

Rhonda Botti Sowers
Rhonda Botti Sowers, Fiscal Officer

Dated: February 22, 2017

1st Reading Jan. 25, 2017 2nd Reading Feb. 8, 2017 3rd Reading Feb. 22, 2017

Passed: yes X no ___ Vote: yea 5 nay 0 Immediate effect: yes ___ no X