

A RESOLUTION imposing an immediate moratorium on the issuance and processing of permits allowing retail dispensaries, cultivators, or processors of adult use marijuana within the Village of Smithville, Ohio, and declaring an emergency.

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters will automatically be incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and become effective on December 7, 2023 with no further action required by the Ohio General Assembly (the “Act”); and,

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis” shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult use marijuana program; and

WHEREAS, Council and the Mayor intend to consider legislation providing for the orderly implementation of adult use cannabis in the Village, consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, Village Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted and the Village has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate moratorium on any cultivation, processing, or retail dispensing of marijuana for adult use business purposes in any form within the Village of Smithville, except as required by the Act; now, therefore

Be it Resolved:

Section 1: Except as required by the Act, the Mayor and Council hereby impose an immediate moratorium on the issuance and processing of any permits for cultivators, processors,

and retail dispensaries of adult use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

Section 2: The purpose of this moratorium is to allow the Village Administration and Council to consider amendments to pertinent Codified Ordinances, including the Smithville Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the Village.

Section 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the Village during the moratorium.

Section 4. The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of _____, until changes are enacted to amend the Codified Ordinance of the Village of Smithville to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the Village and for the usual daily operation of the Village for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Passed this 16 day of July, 2024.



President of Council

Attest:



Clerk of Council

Approved:



Mayor

7-16-24

Date