



RESOLUTION 2024-24

A RESOLUTION IMPOSING A TWELVE-MONTH MORATORIUM ON THE RETAIL CULTIVATION, PROCESSING, AND DISPENSING OF ADULT-USE AND MEDICAL MARIJUANA IN THE CITY OF POWELL.

WHEREAS, State Issue 2, approved by a majority of voters in the November 7, 2023 Ohio general election, legalized the commercial sale, recreational use, and home cultivation of marijuana for persons 21 years old and older (“Adult-Use Marijuana”); and

WHEREAS, State Issue 2 created the Ohio Division of Cannabis Control and required this Division to promulgate rules establishing standards and procedures for the commercial sale, recreational use, and home cultivation of Adult-Use Marijuana within nine months of its passage;

WHEREAS, since State Issue 2’s passage, State lawmakers have proposed two alternative bills to revise the administrative and tax structures adopted via State Issue 2, but have not adopted any amendments to-date; and

WHEREAS, the Ohio Division of Cannabis Control has not yet promulgated standards and procedures for the commercial sale, recreational use, and home cultivation of Adult-Use Marijuana; and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, ORC § 3780.25, enacted by State Issue 2, affirms that municipalities may prohibit or limit the number of Adult-Use Marijuana operators within their corporation limits; and

WHEREAS, Chapter 3796 of the Ohio Revised Code permits the cultivation, processing, and establishment of medical marijuana dispensaries; and

WHEREAS, Section 3796.29 of the Ohio Revised Code authorizes a municipality to adopt an ordinance limiting the number of, or entirely prohibiting, cultivators, processors, or retail dispensaries of medical marijuana; and

WHEREAS, City Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of Adult-Use Marijuana and medical marijuana by in accordance with Ohio Revised Code Section 3780.25 and 3796.29, or, to amend its business and/or zoning code and/or implement regulations regarding the location and operation of Adult-Use Marijuana-related businesses as well as medical marijuana-related businesses within the City of Powell, Ohio (the “City”), including retail dispensaries, cultivators, and processors; and

WHEREAS, a twelve-month moratorium on the permitting of Adult-Use Marijuana and medical marijuana-related businesses and uses in the City will allow City Council and staff time to study these issues and the final regulations in order to ensure the public peace, health, safety, and welfare

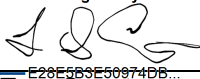
NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:


Section 1: Council of the City of Powell, Ohio hereby imposes a moratorium on the retail cultivation, processing, or dispensing of Adult-Use Marijuana and medical marijuana. Retail cultivation, processing, and dispensing of Adult-Use Marijuana and medical marijuana uses is specifically prohibited anywhere within the City of Powell, Ohio for a period of twelve months from the date of this Resolution's adoption. Activities subject to this moratorium include, but are not limited to, the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy, or certificates of occupancy that would enable the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana in the City of Powell.

Section 2: No existing business in the Powell may expand in any way that would establish the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana for the duration of the moratorium period established in this Resolution.


Section 3: The twelve-month moratorium may be extended by legislative action of City Council if it determines that additional time is necessary based on the objectives of this Resolution.

Section 4: That due to the uncertain and evolving statutory and regulatory landscape concerning Adult-Use Marijuana and medical marijuana, this Resolution shall take effect at the earliest date allowed by law.

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Tom Counts
Mayor
6/20/2024
Date

DocuSigned by:

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Elaine McCloskey
City Clerk
6/20/2024
Date

EFFECTIVE DATE: June 18, 2024

This legislation has been posted in accordance with the City Charter on this date 6/20/2024

Elaine McCloskey
Clerk
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