

AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR ADULT-USE CANNABIS BUSINESS AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters approved State Issue 2, adopting Ohio Revised Code Chapter 3780, Adult-Use Cannabis Control (AUCC), to permit recreational or adult use cannabis in Ohio; and

WHEREAS, the AUCC establishes a division of cannabis control within the Department of Commerce to license, regulate, investigate, and penalize adult-use cannabis operators, adult-use testing laboratories, and individuals required to be licensed; and

WHEREAS, the division of cannabis control shall adopt rules and regulations related to the administration, implementation, and enforcement of adult-use marijuana, including the licensure, processing, standards, procedures, and oversight of persons and entities engaged in the adult-use marijuana industry; and

WHEREAS, the rules and regulations to be implemented under the Act have not yet been established; and

WHEREAS, the division of cannabis control has until June 7, 2024, to establish rules and regulations regarding the licensing of adult-use cannabis industry operators, all of which are subject to change until such rules and regulations are adopted in accordance with the Act and Chapter 119 of the Revised Code; and

WHEREAS, members of the Ohio General Assembly have already introduced legislation to modify the provisions of the Act from that approved by the voters and made effective December 7, 2023; and

WHEREAS, given the uncertainty regarding the final form of the Act and its associated rules and regulations, the City has not yet had ample opportunity to consider the best method of implementing adult-use cannabis within the City or whether such methods will be in compliance with the Act once implemented; and

WHEREAS, the Council and the Mayor intend to adopt legislation in compliance with the Act and provide for the orderly implementation of adult-use cannabis in the City consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and the Charter of the City of Avon Lake, the City has powers of local self-governance to enact ordinances governing the operation and placement of business, as may be found necessary or desirable to promote the public health, safety, morals, convenience, and general welfare of the community; and

WHEREAS, at least until such time as regulations have been implemented, any amendments to the Act are enacted, and the City given an opportunity to study the foregoing, Council has determined that a moratorium of six (6) months should be imposed upon the application, approval, licensing, or otherwise authorization of commercial cultivation, processing, or dispensing of marijuana for adult-use cannabis in any form within the City of Avon Lake, except as may be expressly required by the Act or otherwise expressly authorized prior to the effective date of this Ordinance; and

WHEREAS, as set forth in Section 10 of the Avon Lake City Charter, this Council, by a vote of at least two-thirds of its members, determines that this Ordinance is an emergency measure and shall take effect immediately and is necessary for the immediate preservation of the public health, safety, morals, convenience, and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF  
THE CITY OF AVON LAKE, STATE OF OHIO:

Section 1: That Council hereby imposes a moratorium of six (6) months upon the application, approval, licensing, or otherwise authorization of commercial cultivation, processing, or dispensing of marijuana for adult-use cannabis in any form within the City of Avon Lake, except as may be expressly required by the Act or otherwise expressly authorized prior to the effective date of this Ordinance.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, convenience, and general welfare of the community. Therefore, this Ordinance shall be in full force and effect from and immediately after passage and approval by the Mayor.

PASSED: 12/18/2023

/s/ Martin E. O'Donnell

President of Council

POSTED: 12/22/2023

APPROVED: 12/19/2023

ATTEST: /s/ Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor