

AN ORDINANCE TO PROHIBIT THE ESTABLISHMENT OF ADULT-USE CANNABIS OPERATORS AND THE CULTIVATION, PROCESSING, AND RETAIL DISPENSING OF MARIJUANA WITHIN THE CITY OF AVON LAKE AND DECLARING AN EMERGENCY.

WHEREAS, on December 7, 2023, Chapter 3780 of the Ohio Revised Code (R.C.) became effective to authorize and regulate the sale of cannabis to adults for non-medical purposes; and

WHEREAS, Section 3780.10 allows licenses to be issued for adult-use cannabis operators, as defined by R.C. 3780.01(A)(2) within the State of Ohio; and

WHEREAS, Section 3780.25 allows a municipality to adopt an ordinance to prohibit adult-use cannabis operators within the municipal corporation unless a facility is an existing cultivator, processor, or dispensary with a certificate of operation issued under R.C. Chapter 3796; and

WHEREAS, Chapter 3796 of the R.C. authorizes the cultivation, processing, dispensing, and testing of marijuana for medical purposes; and

WHEREAS, Section 3796.29 permits a municipality to prohibit the establishment of cultivation, processing, or dispensing facilities licensed under R.C. Chapter 3796 within the municipal corporation; and

WHEREAS, Council finds that prohibiting adult-use cannabis operators within the City is necessary and proper to protect the health, safety, and general welfare of the citizens of the City; and

WHEREAS, to protect the citizens of the City and prohibit adult-use cannabis operators within the City, Council finds it necessary and proper to prohibit the establishment of cultivation, processing, dispensing, and testing facilities for medical marijuana licensed under R.C. Chapter 3796 within the City.

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

Section No. 1: That Council hereby prohibits the establishment of cultivation, processing, dispensing, and testing facilities for medical marijuana licensed under Chapter 3796 of the R.C. within the City of Avon Lake.

Section No. 2: That Council hereby prohibits the establishment of adult-use cannabis operators within the City of Avon Lake, Ohio.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which 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 No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate preservation of the public health, safety, morals, and the 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: 5/28/2024

/s/ Martin E. O'Donnell  
President of Council

POSTED: 5/31/2024

APPROVED: 5/30/2024

ATTEST: /s/ Valerie E. Rosmarin  
Clerk of Council

/s/ Mark A. Spaetzel  
Mayor