

**AN ORDINANCE ADOPTING A MORATORIUM ON ACCEPTING APPLICATIONS FOR OR ISSUING ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA, FOR A PERIOD NOT TO EXCEED SIX MONTHS, IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS AND TO PLAN FOR REGULATIONS RELATING TO SUCH USES, AND DECLARING AN EMERGENCY.**

WHEREAS, after the 131st General Assembly of Ohio approved Substitute House Bill 523 ("H.B. 523"), Governor John Kasich signed it into law on June 8, 2016; and

WHEREAS, H.B. 523 became effective on September 8, 2016; and

WHEREAS, H.B. 523, among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, sale, and use of medical marijuana; and

WHEREAS, rules governing medical marijuana cultivators are to be issued by the Ohio Department of Commerce on May 6, 2017, and applications for cultivation licenses are to be filed in June 2017; and

WHEREAS, H.B. 523 gives this Council the power to adopt regulations prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the Village; and

WHEREAS, pursuant to the Village Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting or prohibiting certain business uses; and

WHEREAS, the Village needs additional time to review applicable sections of its Codified Ordinances and the Ohio Revised Code and administrative rules related to medical marijuana, and to plan for and to formulate an appropriate response to H.B. 523.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio, that:

SECTION 1. For the purpose of this Ordinance, "medical marijuana" shall have the same meaning as that term is defined in Ohio Revised Code Section 3796.01(A)(2) as adopted by H.B. 523.

SECTION 2. This Council establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of medical marijuana in the Village of Richfield for a period of

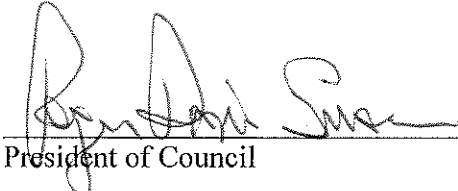
six (6) months from the date of adoption of this Ordinance by the Council.

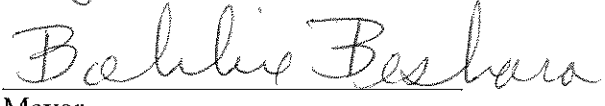
SECTION 3. No existing business in the Village may expand in any way that would establish the cultivation, processing, distribution or sale of medical marijuana for the duration of the moratorium period established hereby.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

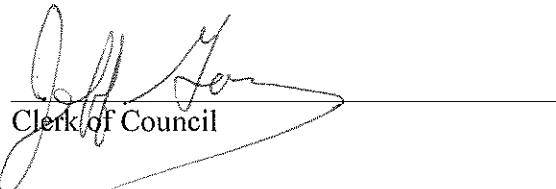
SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare in the Village for the reasons set forth in the recitals of this Ordinance; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 5/16/17

  
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President of Council

  
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Mayor

ATTEST:

  
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Clerk of Council

Dated: 5-16-17