

AN ORDINANCE EXTENDING THE MORATORIUM ON ACCEPTING APPLICATIONS FOR ISSUING ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF ADULT USE CANNABIS, CANNABIS, OR MARIJUANA, FOR AN ADDITIONAL 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, at the general election in November of 2023, the voters of the State of Ohio passed Issue 2, an initiative petition to enact a new Chapter 3780 of the Ohio Revised Code; and

WHEREAS, Issue 2 takes effect on December 7, 2023; and

WHEREAS, Issue 2, among other things, authorizes the purchase and sale of “adult use cannabis,” “cannabis,” and “marijuana,” in the State of Ohio, subject to certain limitations (R.C. 3780.25); and

WHEREAS, this Council has the power to, among other things, adopt regulations prohibiting or limiting adult use cannabis cultivation, processing, distribution, or sale within 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 requires additional time to review applicable sections of its Codified Ordinances and the Ohio Revised Code and administrative rules related to adult use cannabis, cannabis, and marijuana, and to plan for and to formulate an appropriate response to Issue 2; and

WHEREAS, on November 21, 2023, this Council passed a moratorium in order to allow for it to review to applicable sections of the Codified Ordinances and the Ohio Revised Code and administrative rules related to adult use cannabis, cannabis, and marijuana (Ordinance No. 97-2023); and

WHEREAS, this Council desires to extend said moratorium for an additional six (6) months from its May 21, 2024 expiration date, so that it shall expire on November 21, 2024.

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

SECTION 1. All terms used in this Ordinance shall have the same meanings as set forth in Chapter 3780 of the Ohio Revised Code, as passed by the voters at the November 2023 general election (Issue 2) and set to take effect on December 7, 2023.

SECTION 2 The Council extends its 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 adult use cannabis, cannabis, or marijuana in the Village of Richfield for a period of an additional six (6) months, so that it expires on November 21, 2024.

SECTION 3. No existing business in the Village may expand in any way that would establish the cultivation, processing, distribution or sale of adult use cannabis, cannabis, or 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 Ordinance 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: 4-16-2024



President of Council



Mayor

Dated: 4/16/2024

ATTEST:


Clerk of Council