

ORDINANCE NO. 023 -2023

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA OR MARIJUANA FOR A PERIOD NOT TO EXCEED TWENTY-FOUR MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE IN ORDER TO ALLOW THE CITY ADMINISTRATION AND CITY COUNCIL TIME TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND REGULATIONS ALONG WITH THE CITY'S CODIFIED ORDINANCES RELATIVE TO SUCH ACTIVITY, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio General Assembly adopted Chapter 3796 of the Ohio Revised Code titled Medical Marijuana Control Program and,

WHEREAS, O.R.C. Chapter 3796 among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, the State of Ohio may have or has a ballot issue allowing the sale of recreational marijuana, and the City's Administration, Planning Commission and City Council require time to undertake a thorough review of all applicable state codes, regulations and local ordinances that relate to marijuana, and propose proper rules and regulations governing such products.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, the City of Maumee and other Ohio municipalities have the power to enact laws that are for the health, safety, and welfare of their citizens which may include restricting areas used for certain businesses and trades.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MAUMEE, LUCAS COUNTY, OHIO:

Section 1 - That the Council of the City of Maumee hereby imposes a twenty-four (24) month moratorium on the consideration, approval or authorization of any additional licenses, permits, permitted uses, special uses, accessory uses or variances that would enable the cultivation, processing, or retail sale of marijuana or medical marijuana. This would include the granting of building permits or certificates of occupancy for any additional building, structure, use or change of use that would enable said activity within the City. Said moratorium extends to the submission, consideration or approval of all applications for licenses, permits, general development plans, final development plans, special or accessory use permits, occupancy permits, building permits or the like.

Section 2 - That this moratorium shall become effective on the date that this ordinance, following its passage by the Council, shall remain in effect for twenty-four (24) months following the date upon which it became effective unless extended upon a majority vote of the Council for a period of no more than an additional six (6) months if the Council finds such continuance is required to allow sufficient time for the Administration to complete its study and recommend what action, if any, the City of Maumee should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land use, or other regulatory controls that are specifically applicable to

activities covered under O.R.C. Chapter 3796 or any new laws passed, or constitutional amendments that relate to recreational use and/or sale of marijuana anywhere within the City.

Section 3 - That this moratorium suspends and tolls Chapter 741 of the Maumee Codified Ordinances, any time periods prescribed by law, within which any official or official body of the City of Maumee, is required to take action upon an application for a permit, license, special use permit, building permit, site plan approval or the like, for the development of land anywhere in Maumee and that no such application shall be deemed to be approved by the failure of any other public official or official body to approve or deny said application during the time when this moratorium shall be in effect.

Section 4 - That the City Administration is hereby directed to begin a study to recommend what action, if any, the City of Maumee should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to marijuana facilities.

Section 5 - If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6 - That it is found and determined that all formal actions of the Council of the City of Maumee concerning and relating to the adoption of this ordinance were taken in an open meeting of the Council of the City of Maumee and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 7 - That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Maumee, the immediate emergency being the necessity to impose a temporary Moratorium on the consideration, approval or authorization of any applications for any activities conducted pursuant to the Ohio Revised Code, including, but not limited to any additional facilities that would enable the cultivation, processing, or retail sale of marijuana or medical marijuana anywhere in the City of Maumee to give City officials adequate time to consider what, if any, changes are required to current ordinances to adequately protect the public health, safety and welfare of the community; therefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Motion to declare emergency: Harris

Second: Noonan

Yeas: 6 Nays: 0

Motion to Pass: Harris

Second: Noonan

Yeas: 6 Nays: 0

Passed: August 21, 2023.

Mayor

ATTEST:

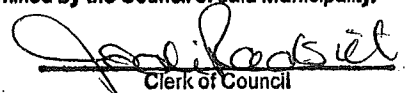
Municipal Clerk

Approved as to form by:

Law Director

CERTIFICATE OF POSTING

I, Clerk of Council of the Municipality of Maumee, Ohio, do hereby certify that Ordinance/Resolution No. 023-2023 was duty posted on 8-22-2023 and remained posted for a period of fifteen days thereafter, in not less than five of the most public places in the municipality as determined by the Council of said Municipality.


Clerk of Council

Date: Sept 6, 2023