

RECORD OF ORDINANCES

Ordinance No. 2018-01

Passed FEBRUARY 12 2018

**AN ORDINANCE IMPOSING AN IMMEDIATE
MORATORIUM ON MARIJUANA CULTIVATION, PROCESSING AND
DISPENSING IN THE VILLAGE OF BALTIMORE, OHIO,
TO BE EFFECTIVE FOR A PERIOD OF TWELVE (12) MONTHS,
AND THE DECLARATION OF AN EMERGENCY**

WHEREAS, Substitute House Bill No. 523 (“the Act”), passed by the 131st Ohio General Assembly and thereafter signed by Governor Kasich on June 9, 2016, authorized the use of marijuana for medical purposes and established medical marijuana control programs; and,

WHEREAS, the Act took effect September 9, 2016; and,

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.29, which authorizes the legislative authority of a municipal corporation to adopt by ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within the municipal corporation; and,

WHEREAS, pursuant to the Ohio Constitution and local ordinances, Village Council 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, prohibiting and/or regulating certain business uses; and,

WHEREAS, the Act provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board, shall adopt rules establishing standards and procedures for the medical marijuana control program; and,

WHEREAS, at least until such time as these regulations are adopted and the residents and Council of the Village of Baltimore have had an opportunity to study them, and to study the Village’s codified ordinances in relation to them and H.B. 523, this Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate moratorium on any cultivation, processing or retail dispensing of marijuana for medical purposes in any form within the Village;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO
THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:**

SECTION 1: That the cultivation, processing, or retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere within the Village of Baltimore for a period of twelve (12) months from the date of the adoption of this ordinance. Activities subject to this moratorium include, but are not limited to, the acceptance of any application for, or the grant of, building permits, zoning approvals, certificates of business occupancy or certificates of occupancy that would enable the cultivation, processing distribution or sale of medical marijuana in the Village of Baltimore.

SECTION 2: That 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 in this ordinance.

SECTION 3: That upon the expiration of the twelve (12) month moratorium, Council may allow the moratorium to expire or may elect to renew the moratorium. It is the intent of the Village to revisit this issue no later than the end of the eleventh (11th) month following the effective date of this ordinance.

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SECTION 4: That this ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, such necessity arising so that the moratorium upon the cultivation, processing or retail dispensing of marijuana for medical purposes be in place prior to any potential user petitioning the Village to conduct such activities. Therefore, this ordinance shall be effective immediately upon passage.



Brad Nicodemus, Mayor

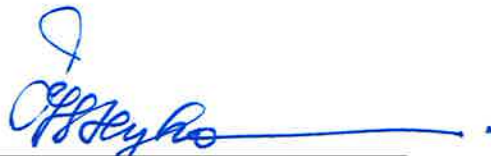
DATE OF PASSAGE: 2-12-2018

EFFECTIVE DATE: 2-12-2018

ATTEST: 

Brian Bibler, Fiscal Officer

SPONSOR: Mohler

APPROVED AS TO FORM: 

Jeffrey Feyko, Village Solicitor