

ORDINANCE NO. 24 – 05

AN ORDINANCE IMPOSING A SIX (6) MONTH MORATORIUM ON THE ACCEPTANCE, CONSIDERATION AND/OR GRANTING OF ANY APPLICATIONS FOR LOCAL LICENSING APPROVAL, AND/OR ANY ZONING, OCCUPANCY, OR OTHER PERMITS RELATING TO CULTIVATORS, PROCESSORS OR RETAIL DISPENSARIES OF MARIJUANA WITHIN THE CITY OF ONTARIO, AND DECLARING AN EMERGENCY.

WHEREAS, In the November 2023 election, the citizens of the State of Ohio passed Issue 2 which made legalized the recreational use of marijuana Ohio with certain restrictions, which are still being determined; and

WHEREAS, given that the regulations for the recreational use of marijuana are still being determined, City Council believes that six (6) months is a reasonable time to obtain the information it needs to address the use of marijuana within the City and to more accurately determine the regulations that will be approved by the State of Ohio; provided however, Council reserves the right to take legislative action to extend the moratorium if the Regulations are not made public within such 270 day period.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ONTARIO, STATE OF OHIO:

SECTION 1. THAT A temporary moratorium is hereby imposed on the consideration and/or granting of any applications for local licensing approval, and any zoning, occupancy, or other permits relating to cultivators, processors or retail dispensaries of marijuana within the City of Ontario.

SECTION 2. THAT the duration of the moratorium shall commence with the passage of this Ordinance and shall end, unless extended by City Council for the reasons set forth above, six (6) months after the passage of this Ordinance.

SECTION 3. THAT this moratorium shall not be applicable to the extent it limits any research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity. Further, this moratorium shall not in any way effect the enforcement of existing criminal laws regarding marijuana applicable within the City; all such criminal laws remain in full force and effect.

SECTION 4. As the Act will not become effective until after the passage of this Ordinance, City Council recognizes that there are no existing requests for local licensing approval, and any zoning, occupancy, or other permits relating to cultivators, processors or retail dispensaries of marijuana within the City of Ontario with any vested rights to establish a use covered by this moratorium.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation 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 taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety and benefit and protection of the inhabitants of the City of Ontario and for the further reason to ensure that the City has adequate time to consider issues that may come into existence prior to receiving requests or zoning approvals for cultivators, processors or retail dispensaries of marijuana; therefore, this Ordinance shall take effect and be in force immediately upon its passage.

DATE: _____

Ayes _____ Nays _____ Abstain _____

Edward Gallo, President of Council

APPROVED AS TO FORM:

ATTEST:

Andrew J. Medwid, Law Director

Cathy VanAuker, Clerk of Council

APPROVED:

Randy Hutchinson, Mayor

Date

DISAPPROVED:
Objections: _____

Randy Hutchinson, Mayor

Date