

RESOLUTION NO. 2023-86

A RESOLUTION IMPOSING A MORATORIUM ON THE GRANTING OR PROCESSING OF PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE CULTIVATION, PROCESSING, OR RETAIL SALE OF MARIJUANA WITHIN THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale, and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters will automatically be incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and become effective on December 7, 2023 with no further action required by the Ohio General Assembly (the "Act"); and,

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,

WHEREAS, Section 3780.03 of the Act provides that a newly created "Division of Cannabis" shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult-use marijuana program pursuant to Section 3780.28; and

WHEREAS, Council and the Mayor intend to adopt legislation that provides for the orderly implementation of adult use cannabis in the City consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate 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, at least until such time as regulations are adopted, the amendments to the Act are adopted, and the City has had an opportunity to study the foregoing, 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 adult use business purposes in any form within the City of Wooster, except as required by the Act; now, therefore

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

SECTION 1. Except as required by the Act, City Council hereby imposes an immediate moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of adult-use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

SECTION 2. The purpose of this moratorium is to allow the City Administration and Council to consider amendments to pertinent Codified Ordinances, including the Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the City.

SECTION 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of adult-use marijuana shall be issued or processed by the City during the moratorium, except as may be required by the Act with respect to existing dispensaries of marijuana products for medical use.

SECTION 4. The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of July 31, 2024, until changes are enacted to amend the Codified Ordinance of the City of Wooster to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 5. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 6. This Resolution is declared to be necessary to the immediate preservation of the public health, peace, safety, and welfare of the City, or providing for the usual daily operation of a municipal department or division; and for the further reason that prompt action is necessary to impose this moratorium in order to permit the City of Wooster to more fully study the problem and the need, if any, for the regulation thereof; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st Reading 12-18-23 2nd Reading 1-2-24 3rd Reading 1-16-24

Passed: January 16, 2024

Vote: 16-1

Attest: Amy Hamilton
Clerk of Council

[Signature]
President of Council

Approved: 1/17, 2023

[Signature]
Mayor

Introduced by: Robert Reynolds