

TEMPORARY ORDINANCE NO. 20-16**

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE, AND ESTABLISH A NEW CHAPTER 709 OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER TITLED “MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSERS,” AND TO DECLARE AN EMERGENCY

WHEREAS, on June 8, 2016 the Ohio General Assembly adopted and the Governor signed into law 131 Sub. H.B. 523 with an effective date of September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, requires that the Ohio Department of Commerce and State Board of Pharmacy administer a Medical Marijuana Control Program; permits a patient, on the recommendation of a physician, to use medical marijuana to treat a qualifying medical condition; permits state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a municipal corporation or a board of township trustees 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; and

WHEREAS, upon enactment of 131 Sub. H.B. 523 requires the creation of a state board that will, in time, determine a regulatory scheme to provide for the just and proper regulation of medical marijuana; and

WHEREAS, development and enactment of licensing and regulation of cultivation, processing, and dispensing will commence on September 8, 2016 and the law provides that the State has up to two years to establish licensing and regulation; and

WHEREAS, marijuana (cannabis) is listed with the Drug Enforcement Administration as a Schedule I drug having “no currently accepted medical use and a high potential for abuse” as of the date this ordinance was introduced; and

WHEREAS, City Council believes that until the State of Ohio develops, determines, and implements the licensing and regulatory guidelines and enforcement for businesses and trades involved in the cultivation, processing, and dispensing of “medical marijuana”, a DEA Schedule I drug, the only prudent course at this time is for City Council to ban such businesses and trades; and

WHEREAS, the elected City Council holding office in September, 2018 can revisit this ban with full knowledge of what licensing, regulatory, and enforcement requirements these “medical marijuana” businesses and trades are subject to under Ohio law; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipal corporations have the power to adopt legislation deemed necessary and proper to protect the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades; and

WHEREAS, City Council finds that prohibiting medical marijuana cultivators, processors, and retail dispensers within the City of Lancaster is necessary and proper to protect the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Part Seven – Business Regulation Code, be repealed and replaced with the establishment of a new Chapter 709 titled “Medical Marijuana Cultivators, Processors, and Retail Dispensers” with the text set forth in Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to comply with the recent enactment of 131 Sub. H.B. 523 by the Ohio General Assembly and to restrict and regulate city businesses and trades while the development and implementation of rules and regulations to govern businesses and trades involved in the cultivation, processing, retail sale, and dispensing of “medical marijuana”, a DEA Schedule I drug, are determined by the State of Ohio.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee



CHAPTER 709
Cultivation, Processing, or Dispensing of Medical Marijuana

709.01 Definitions.

709.02 Cultivating, Processing, or Dispensing Medical Marijuana Prohibited.

709.03 Penalty.

709.01 DEFINITIONS.

As used in this chapter:

- (a) "Marijuana" means marihuana as defined in section 3719.01 of the Ohio Revised Code.
- (b) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

709.02 CULTIVATING, PROCESSING, OR DISPENSING MEDICAL MARIJUANA PROHIBITED.

No person shall cultivate, process, dispense or sell medical marijuana.

709.03 PENALTY.

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that any person continues to violate this chapter shall constitute a separate and complete offense.