

TEMPORARY ORDINANCE NO. 19-24\*

PERMANENT ORDINANCE NO. 25-24

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 709 – CULTIVATION, PROCESSING OR DISPENSING OF MEDICAL MARIJUANA OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, pursuant to Issue 2, the state Marijuana Legalization Initiative, which passed in November of 2023, the sale of adult use cannabis will be legal in the State of Ohio in September of 2024; and

WHEREAS, pursuant to specific language in that initiative, as well as home rule authority regarding land use, local political subdivisions have the power and authority to determine whether to prohibit adult use dispensaries within their boundaries; and

WHEREAS, the cultivation, processing, or dispensing of medical marijuana is currently prohibited within the municipal corporation limits of Lancaster; and

WHEREAS, the Ohio General Assembly has still not finalized the language of Ohio Revised Code Title 37, Chapter 3780 – Adult Use Cannabis Control, which was created by initiative to regulate adult use cannabis in the State; now, therefore,

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

SECTION 1. That Part Seven – Business Regulation Code, Chapter 709 – Cultivation, Processing or Dispensing of Medical Marijuana of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “A”, **as amended**, attached hereto and incorporated herein by reference.

SECTION 2. That City Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: July 15, 2024 after 3<sup>rd</sup> reading. Vote: Yeas 7 Nays 3

Approved: July 15, 2024

Clerk: Kurt M. Cull

[Signature]  
President of Council  
Don H. McDaniel  
Mayor

Offered by: [Signature]

Second by: [Signature]

Requested by Law Committee





**CHAPTER 709**  
**Cultivating, Processing, ~~Distributing~~, Dispensing, Testing, or Selling**  
**Medical Marijuana or Adult Use Cannabis**

- 709.01** Definitions.  
**709.02** Cultivating, processing, distributing, dispensing, testing, or selling medical marijuana prohibited.  
**709.03** Cultivating, processing, distributing, dispensing, testing, or selling adult use cannabis prohibited.  
**709.04** Violations deemed a public nuisance.  
**709.05** Review and Re-Approval of Adult Use Cannabis Moratorium  
**709.99** Penalty.

~~CROSS REFERENCES~~

~~Illegal cultivation — see GEN. OFF. 513.06~~

**709.01 DEFINITIONS.**

As used in this chapter:

- (a) “Adult Use Cannabis” means marihuana as defined in Section 3719.01 of the Ohio Revised Code that is cultivated, processed, distributed, dispensed, tested, sold, possessed, or used for a non-medical purpose. Also known as recreational marijuana.  
(b) “Medical marijuana” means marihuana as defined in Section 3719.01 of the Ohio Revised Code that is cultivated, processed, distributed, dispensed, tested, sold, possessed or used for a medical purpose.

~~(Ord. 20-16. Passed 9-26-16.)~~

**709.02 CULTIVATING, PROCESSING, DISTRIBUTING, DISPENSING, TESTING, OR SELLING MEDICAL MARIJUANA PROHIBITED.**

No person shall cultivate, process, ~~distribute~~, dispense, test, or ~~sell~~ medical marijuana.  
~~(Ord. 20-16. Passed 9-26-16.)~~

**709.03 CULTIVATING, PROCESSING, DISTRIBUTING, DISPENSING, TESTING, OR SELLING ADULT USE CANNABIS PROHIBITED.**

No person shall cultivate, process, distribute, dispense, test, or sell adult use cannabis.

**709.04 VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**709.05 REVIEW AND RE-APPROVAL OF ADULT USE CANNABIS MORATORIUM**

By or before January 1, 2026, City Council shall review the current moratorium on adult use cannabis imposed by Section 709.03 of the Lancaster Codified Ordinances, and shall, by ordinance, continue or discontinue the moratorium hereby adopted.

**709.99 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.

~~(Ord. 20-16. Passed 9-26-16.)~~