

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 19-___

TO EXTEND BY 90 DAYS THE CURRENT MORATORIUM ON THE ISSUANCE OF ANY BUSINESS PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF CHEVIOT, OHIO; AND TO DECLARE AN EMERGENCY.

WHEREAS, following the passage of Ohio Sub. H.B. 523 (H.B. 523), the City of Cheviot, Ohio adopted Resolution 17-15, which placed a six-month moratorium on the issuance of permits for medical marijuana-related businesses in the City of Cheviot pending City Council and City Administration's review and study of H.B. 523;

WHEREAS, on January 16, 2018, the City of Cheviot, Ohio passed Ordinance 18-02, which extended the above-described moratorium by one year pending City Council and City Administration's further review and study of H.B. 523;

WHEREAS, on January 15, 2019, the City of Cheviot, Ohio passed Ordinance 19-01, which extended the above-described moratorium by 90 pending City Council and City Administration's further review and study of H.B. 523;

WHEREAS, the definitions of "cultivators," "processors," and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code;

WHEREAS, Ohio Revised Code Section 3796.29 authorizes a municipality to limit the number of, or entirely prohibit, cultivators, processors, and/or retail dispensaries of medical marijuana licensed under Ohio Revised Code Section 2796.29 in the City of Cheviot; and

WHEREAS, the Council of the City of Cheviot seeks additional time to continue to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within the City of Cheviot, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors;

WHEREAS, the Administration requires additional time to continue to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the City of Cheviot and help ensure the public peace, health, safety, and welfare of its citizens, and to hold public hearings, if necessary; and

WHEREAS, a 90-day extension of the current moratorium on the City of Cheviot's granting of business permits, pursuant to Cheviot Code of Ordinances Section 151.05, to medical marijuana-related businesses in the City of Cheviot will allow Council and Administration the time necessary to accomplish the City's goals and help ensure the public peace, health, safety, and welfare of its residents; and

WHEREAS, this Ordinance is an emergency measure, for the preservation of the public health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:

Section 1. The Council of the City of Cheviot hereby extends for 90 days the current moratorium on the issuance and processing of business permits, pursuant to Cheviot Code of Ordinances Section 151.05, to cultivators, processors, and retail dispensaries of medical marijuana. The purpose of this moratorium is to allow Council and Administration to continue to study the law and related issues, to determine whether to limit or entirely prohibit cultivators, processors, and/or retail dispensaries in the City of Cheviot, to prepare any necessary, related regulations, and to hold public hearings, if necessary.

Section 2. The Council of the City of Cheviot hereby directs and orders that no business permits shall be issued or processed by the City of Cheviot, pursuant to Cheviot Code of Ordinances Section 151.05, for cultivators, processors, and retail dispensaries of medical marijuana during the moratorium.

Section 3. The Council of the City of Cheviot finds and determines that all formal actions of this Council relating to the passage of this Ordinance have been taken at open meetings of this Council; and that the deliberations of this Council and its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements, including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall take effect immediately. The emergency is necessary in order to extend the current moratorium for 90 days to allow Council and Administration additional time to accomplish the City's goals as stated above.

Mark G. Waters
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
Clerk of Council

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) _____, 2019, and
- 2) _____, 2019.

Jenny M. Eilermann
Clerk of Council