

ORDINANCE 2024-23  
VILLAGE OF BUCKEYE LAKE

- Failed May 28, 2024

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE DISPENSING AND RETAIL SALE OF "ADULT USE" AND MEDICAL CANNABIS WITHIN THE VILLAGE OF BUCKEYE LAKE AND THE DECLARATION OF AN EMERGENCY.**

**WHEREAS**, Issue 2, now Chapter 3780 of the Ohio Revised Code, passed by a majority of Ohio voters and became effective December 7, 2023; and

**WHEREAS**, the new Chapter 3780 of the Ohio Revised Code establishes a Division of Cannabis Control within the Department of Commerce, which shall provide for the licensure of "adult use" cannabis cultivators and processors, cannabis testing laboratories, and "adult use" dispensaries; and

**WHEREAS**, Chapter 3796 of the Ohio Revised Code permits the cultivation, processing, and establishment of medical marijuana dispensaries; and

**WHEREAS**, for the purposes of this Ordinance, the definitions of "cultivators," "processors," and "adult use dispensaries" are given the same definitions as those found in Chapter 3780 of the Ohio Revised Code, which Chapter became effective December 7, 2023; and

**WHEREAS**, the Constitution of the State of Ohio and the Ohio Revised Code provide municipalities the inherent power to enact planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting, prohibiting, and/or regulating certain business uses; and

**WHEREAS**, Section 3780.25 of the Ohio Revised Code authorizes a municipality to adopt an ordinance limiting the number of, or entirely prohibiting, cultivators, processors, or "adult use" dispensaries licensed under Ohio Revised Code Chapter 3780 within the unincorporated territory of the municipality; and

**WHEREAS**, Section 3796.29 of the Ohio Revised Code authorizes a municipality to adopt an ordinance limiting the number of, or entirely prohibiting, cultivators, processors, or retail dispensaries of medical marijuana; and

**WHEREAS**, the Village of Buckeye Lake Council desires to entirely prohibit the dispensing of "adult use" and medical marijuana in all districts within the Village while Council debates whether or not said sales shall be permitted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Village of Buckeye Lake, at least two-thirds (2/3) of its members concurring to dispense with the requirements of Charter Section 4.04 requiring three readings on three separate days with at least one week between the readings:

**Section 1.** There is hereby imposed a one (1) year moratorium on dispensing medical and/or adult use marijuana and on the acceptance and issuance of any occupancy or operating permits for the purpose of dispensing medical or adult use marijuana within all districts and within the territorial limits of the Village.

**Section 2.** Any person or entity operating a business or otherwise dispensing medical or adult use marijuana in violation of this moratorium, shall be fined \$2,500.00 per day of operation or sale, in addition to any other fines or assessments applicable by law.

**Section 3.** It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, morals, and welfare of the citizens of Buckeye Lake, Ohio. Therefore, this ordinance shall become effective upon its passage by Council.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024

Attest:

\_\_\_\_\_  
Council Clerk, Samantha Torres

\_\_\_\_\_  
Council President, John Lemmon

Date Filed with Mayor \_\_\_\_\_

\_\_\_\_\_  
Mayor, Linda Goodman

Date Approved by Mayor \_\_\_\_\_