ORDINANCE 2024-30
VILLAGE OF BUCKEYE LAKE
FIRST READING

AN ORDINANCE LIMITING THE NUMBER OF APPROVED BUSINESSES FOR 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 limit the number of approved businesses for 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 limit of two (2) permitted occupancy permits for dispensing medical and/or adult use marijuana and said occupancy permits shall only be permitted in the General Business (GB) district and shall only be approved upon verification all other state requirements are met for dispensing medical and/or adult use marijuana.

Section 2. Any person or entity operating a business or otherwise dispensing medical or adult use marijuana in violation of this Ordinance, 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 24th day of June, 2024

Attest:

Samantha Torres
Council Clerk, Samantha Torres

John T. Lemmon
Council President, John Lemmon

Date Filed with Mayor 6/26/2024
Date Approved by Mayor 7/1/2024

Linda Goodman
Mayor, Linda Goodman