



Legislation Text

File #: ORD-0060-2021, **Version:** 1

AN ORDINANCE TO ADOPT A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED ONE YEAR; AND TO DECLARE AN EMERGENCY.

WHEREAS, after the 131st General Assembly of Ohio approved Substitute House Bill 523 ("H.B. 523"), Governor John Kasich signed it into law on June 8, 2016; and

WHEREAS, H.B. 523 was effective on September 8, 2016; and

WHEREAS, H.B. 523, among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, sale, and use of medical marijuana; and

WHEREAS, H.B. 523 gives this Council the power to adopt regulations prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the City; and

WHEREAS, pursuant to the Charter of the City of Gahanna, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting or prohibiting certain business uses; and

WHEREAS, City Council previously adopted a six-month moratorium on March 19, 2018; and

WHEREAS, in order to continue researching possible impacts those types of businesses may have on the community, the Administration is requesting an additional one-year moratorium; and

WHEREAS, it is imperative to proceed with this Ordinance for the preservation of the public peace, property, health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That for the purpose of this Ordinance, "medical marijuana" shall have the same meaning as that term is defined in Ohio Revised Code Section 3796.01(A)(2) as adopted by H.B. 523.

Section 2. That this Council establishes a moratorium on the acceptance of any application for, or the granting of, any Building Permits or Certificates of Occupancy for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, laboratory testing, distribution, or sale of medical marijuana in the City of Gahanna for a period of one year from the date of adoption of this Ordinance by the Council.

Section 3. That no existing business in the City of Gahanna may expand in any way that would establish the cultivation, processing, laboratory testing, distribution or sale of medical marijuana for the duration of the moratorium period established hereby.

Section 4. That it is found and determined 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 and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. That, for the reasons set forth in the preamble hereinabove, this Ordinance is declared emergency legislation and shall be in full force and effect immediately upon passage by this Council and on date of signature approval by the Mayor.