

Date: 12-11-23
Introduced By: Ms. Houk
Committee: Safety
Originated By: Mayor Stage
Approved: _____
Emergency: X 30 Days: _____
Current Expense: _____

No.: C-50-23
First Reading: 12/18/23
Public Notice: 0 / /23
2nd Reading: 0 / /23
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C-50-23

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 732
TITLED MEDICAL MARIJUANA AND SECTION 1135.09(b)(15) TITLED
CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL
MARIJUANA PROHIBITED IN ALL DISTRICTS AND DECLARING AN EMERGENCY

WHEREAS, in 2017, the City of Grove City enacted Ordinance C-46-17 prohibiting the cultivation, processing, and retail dispensing of medical marijuana; and

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the legislation approved by Ohio voters will automatically be incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023, with no further action required by the Ohio General Assembly (the "Act"); and,

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,

WHEREAS, Ohio Revised Code Section 3780.25 authorizes a city to prohibit adult use cannabis operators within the corporate limits of the city; and

WHEREAS, City Council finds that prohibiting adult use cannabis operators within the City of Grove City is necessary and proper to protect the health, safety, welfare, comfort, and peace of the citizens of the City of Grove City; and

WHEREAS, an emergency exists for the health, safety, welfare, comfort, and peace of the citizens of the City of Grove City in that Issue 2 went into effect on December 7, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Chapter 732, titled Medical Marijuana, is hereby amended as follows:

CHAPTER 732 ~~Medical~~ Marijuana

732.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF ~~MEDICAL~~ MARIJUANA.

- (a) The cultivation, processing, or retail dispensing of ~~medical~~ marijuana within the City of Grove City is hereby prohibited.

SECTION 2. Section 1135.09(b)(15), is hereby amended as follows:

- (15) CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF ~~MEDICAL~~ MARIJUANA PROHIBITED IN ALL DISTRICTS.
- A. The cultivation, processing, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Grove City.
- B. ~~Use of property in violation of this section shall constitute a nuisance.~~ **The following shall be a prohibited use in all zoning districts within the City of Grove City:**
- a. **"Adult Use Cultivator" as defined in Section 3780.01 of the Ohio Revised Code.**
 - b. **"Adult Use Dispensary" as defined in Section 3780.01 of the Ohio Revised Code.**
 - c. **"Adult Use Processor" as defined in Section 3780.01 of the Ohio Revised Code.**
- C. ~~In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.~~ **No person or entity licensed as an Adult Use Cannabis Operator, as defined in Ohio Revised Code Section 3780.01, shall open, establish, or operate any business or commercial enterprise of any kind within the corporate limits of the City.**

SECTION 3. For the reasons set forth in the preamble, this Ordinance is hereby declared an emergency measure and shall therefore go into immediate effect.

Ted A. Berry, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law