

## **ORDINANCE NO. 2016-090, AS AMENDED**

**AN ORDINANCE ENACTING SECTION 513.15 OF THE CITY OF FINDLAY CODIFIED ORDINANCES TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA AND PROHIBITING THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA IN ALL ZONING DISTRICTS IN THE CITY OF FINDLAY, AND DECLARING AN EMERGENCY.**

WHEREAS, on June 8, 2016, Substitute HB No. 523, was passed by the 131<sup>st</sup> Ohio General Assembly and thereupon signed by Governor Kasich, June 9, 2016, authorizing the use of marijuana for medical purposes and establishing the medical marijuana control program; and,

WHEREAS, 131 Sub. H.B. 523, among other things, requires that the Ohio Department of Commerce and State Board of Pharmacy administer a Medical Marijuana Control Program; permits a patient, upon the recommendation of a physician, to use medical marijuana to treat a qualifying medical condition; permits state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a municipal corporation or a board of township trustees to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary, or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground, or public park; and,

WHEREAS, upon enactment of 131 Sub. H.B. 523 requires the creation of a state board that will, in time, determine a regulatory scheme to provide for the just and proper regulation of medical marijuana; and,

WHEREAS, marijuana (cannabis) is listed with the Drug Enforcement Administration as a Schedule I drug having "no currently accepted medical use and a high potential for abuse" as of the date this ordinance was introduced, and,

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipal corporations have the power to adopt legislation deemed necessary and proper to protect the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades; and,

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.29, which authorized the legislature of a municipal corporation to adopt by Ordinance restrictions including the complete prohibition of cultivators, processors or retail dispensaries within said municipal corporation; and,

WHEREAS, this City Council has determined it to be in the best interest of the community health, safety and welfare to prohibit any cultivation, processing or retail dispensing of marijuana, including for medical purposes, in any form within the City of Findlay for a period of two (2) years from the effective date of H.B. 523, September 8, 2016.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds of all members elected thereto concurring:

SECTION 1: Cultivation, processing, or retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere within the City of Findlay for a period of two (2) years from the effective date of H.B. 523, September 8, 2016.

SECTION 2: That the operation of medical marijuana cultivators, processors and retail dispensaries, as defined by the Ohio Revised Code, is banned and strictly prohibited in all zoning districts in the City of Findlay or anywhere within the City of Findlay Corporation Limits, as allowed by Ohio Revised Code Section 3796.29 for a period of two (2) years from the effective date of H.B. 523, September 8, 2016.

SECTION 3: That section 513.15 be enacted to read as follows:

513.15 CULTIVATION, PROCESSING, OR DISPENSING OF MEDICAL MARIJUANA

513.15(A) DEFINITIONS.

As used in this chapter:

- (1) "Marijuana" means marihuana as defined in section 3719.01 of the Ohio Revised Code.
- (2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

513.15(B) CULTIVATING, PROCESSING, OR DISPENSING MEDICAL MARIJUANA PROHIBITED.

No person shall cultivate, process, dispense or sell medical marijuana in the City of Findlay.

513.15(C) PENALTY.

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that person continues to violate this chapter shall constitute a separate and complete offense.

SECTION 4: That the City of Findlay Zoning Ordinance be amended to prohibit all medical marijuana cultivators, processors and retail dispensaries in all zoning districts.

SECTION 5: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and for the further reason that the health, safety and welfare of the community dictates that the prohibition of cultivation, processing or retail dispensing of marijuana for medical purposes be legislatively prohibited until proper rules and regulations regulating medical marijuana have been adopted by the state board.

*Dr. Ronald Monahan*  
 PRESIDENT OF COUNCIL *Pro-Tem*

*Jerry P. Slough*  
 Acting MAYOR

PASSED *November 1, 2016*

ATTEST *Debra Decker*  
CLERK OF COUNCIL

APPROVED *November 1, 2016*