

RESOLUTION NO. 033-16

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, on June 8th, 2016 Governor John Kasich signed H.B. 523 into law making Ohio the 25th state to adopt a workable medical marijuana law; and

WHEREAS, H.B. 523 becomes effective September 8th, 2016 and the law's rules, policies, and procedures could take up to an additional year to be fully implemented; and

WHEREAS, H.B. 523 created Ohio Revised Code Section 3796.29 which allows a municipal corporation to adopt a Resolution to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under the new law; and

WHEREAS, the City of Napoleon currently has no regulations that specifically address medical marijuana cultivators, processors, or retail dispensaries; and

WHEREAS, City Staff requires time to thoroughly vet all options available to the City to address in implementation of H.B. 523; and

WHEREAS, City Council is being asked to enact a temporary twelve (12) month moratorium on medical marijuana cultivation, processing, and retail dispensaries in order to more fully review the rules, policies, and procedures created by the Ohio Department of Commerce and the State Medical Board and to thoroughly vet the options presented under O.R.C. 3796.26 with the City of Napoleon Planning Commission and City Council; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, in order to have the Moratorium in place prior to HB 523's effective date of September 8th, 2016; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Napoleon, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments of the City of Napoleon, Ohio, City Council of the City of Napoleon, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this Resolution be declared an emergency measure which will take immediate effect in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, upon its adoption; and NOW, THEREFORE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That the City Council of the City of Napoleon, Ohio, hereby imposes a Moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Napoleon, said Moratorium to include the submission, consideration, or approval of all applications for special permits, use permits, building permits, any plans, or any other applications or permits which are or may be filed for permits from the Planning or Zoning Departments for the cultivating, processing, and retail dispensing of medical marijuana;

Section 2. That this Moratorium shall become effective on the date this Resolution, following its passage by City Council, and signed by the President of City Council, shall remain in effect for twelve (12) months following the date upon which it became effective and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is required to allow sufficient time for the Planning Commission or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to medical marijuana cultivation, processing, or retail dispensary facilities or the Moratorium may be continued for additional time if City Council so chooses in order for City Council to make its decision whether or not to adopt a Resolution pursuant to ORC 3796.29;

Section 3. That this Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission, or any other official body, of the City of Napoleon is required to take action upon an application for a special permit, use permit, building permit or site plan approval, or the like, for facilities cultivating, processing, and retail dispensing of medical marijuana that is or may be pending before the Planning Commission, or any other official or official body of the City of Napoleon on the effective date of this Moratorium; and that no such application shall be deemed to be approved by the failure of the Planning Commission, or any other official or official body to approve or deny said application during the time when this Moratorium shall be in effect;

Section 4. That the Law Department and Planning Commission may begin research and return to City Council recommendations the City of Napoleon should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to the cultivating, processing, and retail dispensing of medical marijuana facilities, this recommendation will be prepared and provided to the Planning Commission for review and subsequent recommendation to City Council;

Section 5. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof;

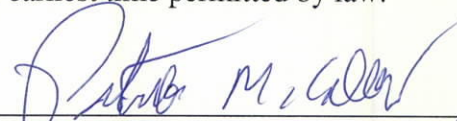
Section 6. This City Council finds and determines that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting


of this City Council and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law; and,

Section 7. That, for all the reasons stated herein, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

09/06/2016


09/06/2016


Travis B. Sheaffer, Council President *President
10-10-16*
Patrick M. McElroy


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 033-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director