

Ordinance No. 2018-4 Passed January 25, , 2018

AN ORDINANCE OF THE VILLAGE OF SABINA TO BLOCK THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA

WHEREAS, On June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective on September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a municipality 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, as such, Council and the Planning Commission have reviewed of all applicable codes state-wide and within the village in order to formulate a local response to 131 Sub. H.B. 523 after the six-month moratorium was imposed; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact this legislation for the safety, welfare, comfort and peace of the citizens of the municipality including blocking areas used for businesses, etc. stated in the above content of this ordinance; and

WHEREAS, the Planning Committee discovered that there are no facilities in the Village of Sabina suited for the type of business fore-mentioned above because of the restrictions of locations to nearby schools, churches, public libraries, and public playgrounds or public parks; and

WHEREAS, in light of these concerns, the Sabina Council and the Planning Committee desires to prohibit medical marijuana- related businesses and/or home occupations within the Village of Sabina limits.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Sabina, Clinton County Ohio:

Section 1: For the reasons set forth above, the Sabina Council hereby prohibits the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana within the Village of Sabina corporation limits by the Village’s power of local self-government and Home Rule authority of the Constitution of the State of Ohio, and pursuant to the provisions of Ohio Revised Code Section 3796.29.

Section 2: That for the purpose of this Ordinance, “medical marijuana” shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

Section 3: This Council, by a vote of a majority of its members, thereof determines that this ordinance shall take effect at the earliest date as provided by law and that it is necessary for the immediate preservation of the public property, health and safety.

1st reading 12/28/2017 2nd reading 1/11/2018 3rd reading 01/25/2018

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2018-4


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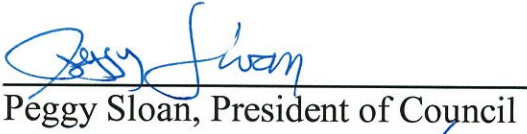
Ordinance No. _____

Passed _____, 20_____

Passed this 25th day of January, 2018.

ATTEST:
APPROVED BY:


Nancy L. Cornell, Fiscal Officer


Peggy Sloan, President of Council


Dean K. Hawk, Mayor