

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2017-04

February 7

17

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_\_

**AN ORDINANCE ESTABLISHING AN ADDITIONAL MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE GRANTING OF ANY PERMIT ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR ANY PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF BROOKVILLE, OHIO.**

**WHEREAS**, the City of Brookville, Ohio desires to coordinate regulations regarding the location and operation of businesses within the City, including retail dispensaries, cultivators, or processors of medical marijuana; and

**WHEREAS**, for the purposes of this Ordinance, “retail dispensaries”, “cultivators”, and “processors” are defined in newly enacted Chapter 3796 of the Ohio Revised Code; and

**WHEREAS**, the State of Ohio has enacted laws concerning medical marijuana, and retail dispensaries, cultivators, and processors of medical marijuana within corporate limits; and

**WHEREAS**, Revised Code Section 3796.29 allows municipalities to prohibit and/or limit the location of retail dispensaries, cultivators, and processors of medical marijuana within corporate limits; and

**WHEREAS**, City Council adopted Ordinance 2016-09 which establish a moratorium on permits for the establishment of retail dispensaries, cultivators, and processors of medical marijuana to preserve the public peace, health, safety and welfare of the citizens of the City of Brookville.

**WHEREAS**, the Ohio Medical Marijuana Control Program is in the process of adopting rules for retail dispensaries, cultivators and processors of medical marijuana; and

**WHEREAS**, an extension of the moratorium on the granting of permits within the City of Brookville will allow the City time to review the rules adopted by the Ohio Medical Marijuana Control Program for retail dispensaries, cultivators and processors of medical marijuana.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, THAT:**

**SECTION I:** The City Council hereby extends its moratorium on permits for the establishment of retail dispensaries, cultivators, and processors of medical marijuana to preserve the public peace, health, safety, and welfare of the citizens of the City of Brookville, Ohio for a period of one hundred and eighty (180) days from the effective date of this Ordinance.

**SECTION II:** The City Council seeks to limit the duration of the moratorium and to request the immediate investigation and review of proposed comprehensive regulations for the establishment of retail dispensaries, cultivators, and processors of medical marijuana within the one hundred and eighty day period of the moratorium.

**SECTION III:** The City Council further finds that a moratorium for one hundred and eighty (180) days is reasonable and will allow time for a study for comprehensive regulations.

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**SECTION IV:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION V:** This Ordinance shall take effect thirty (30) days after passage as provided by the Charter of the City of Brookville.

PASSED this 7<sup>th</sup> day of February, 2017.

ATTEST:

  
MEGHAN WHEELER, CLERK

  
DAVID E. SEAGRAVES, MAYOR

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2017-04, passed by the Council of the City of Brookville, Ohio, on the 7<sup>th</sup> day of February, 2017.

  
MEGHAN WHEELER, CLERK

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2017-04, was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 10<sup>th</sup> day of February, 2017 to 12<sup>th</sup> day of March, 2017, both days inclusive.

  
MEGHAN WHEELER, Clerk