

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2016-09 Passed AUGST 16, 2016

AN ORDINANCE IMPOSING A 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 AND DECLARING AN EMERGENCY.

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 recently enacted laws concerning medical marijuana, and retail dispensaries, cultivators, and processors of medical marijuana within corporate limits; and

WHEREAS, House Bill 523 becomes effective on September 8, 2016; 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, it is recommended that the City Staff review and make recommendations on the issue to conform to the City's goals of providing adequate regulations; and

WHEREAS, a moratorium on the granting of permits within the City of Brookville will allow the City time to accomplish these goals.

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

SECTION I: The City Council seeks 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, Ohio.

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 hereby imposes a moratorium on permits for the establishment of retail dispensaries, cultivators, and processors of medical marijuana for period of one hundred and eighty (180) days from the effective date of this Ordinance.

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

SECTION V: 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

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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 VI:** This Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Brookville, Ohio for the reason that the moratorium needs to be instituted prior to the effective date of Chapter 3769 of the Ohio Revised Code on September 8, 2016. This Ordinance shall take effect immediately upon passage as provided by the Charter of the City of Brookville, Ohio.

PASSED this 16th day of AUGUST, 2016.

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 2016-09, passed by the Council of the City of Brookville, Ohio, on the 16th day of AUGUST, 2016.

  
MEGHAN WHEELER, CLERK

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2016-09, was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 19th day of AUGUST, 2016 to 18th day of SEPTEMBER, 2016, both days inclusive.

  
MEGHAN WHEELER, Clerk