

RESOLUTION NO. 05-2024

Resolution Affirming The December 5, 2023, Imposition Of A Moratorium Of Three Hundred And Sixty Days On The Cultivation, Processing, And Retail Sale Of “Adult Use” Cannabis Within West Chester Township And Declaring An Emergency And Dispensing With The Second Reading

WHEREAS, Issue 2, now Chapter 3780 of the Ohio Revised Code, passed by a majority of Ohio voters and became effective December 7, 2023; and

WHEREAS, new Chapter 3780 of the Ohio Revised Code establishes a Division of Cannabis Control within the Department of Commerce, which shall provide for the licensure of “adult use” cannabis cultivators and processors, cannabis testing laboratories, and “adult use” dispensaries; and

WHEREAS, for the purposes of this Resolution, the definitions of “cultivators,” “processors,” and “adult use dispensaries” are given the same definitions as those found in Chapter 3780 of the Ohio Revised Code, which Chapter becomes effective December 7, 2023; and

WHEREAS, Section 3780.25 of the Ohio Revised Code authorizes a township board of trustees to adopt a resolution limiting the number of, or entirely prohibiting, cultivators, processors, or “adult use” dispensaries licensed under Ohio Revised Code Chapter 3780 within the unincorporated territory of the township; and

WHEREAS, the West Chester Township Board of Trustees seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or dispensing of “adult use” cannabis; or, alternatively, to develop and implement regulations regarding the possible location and operation of cannabis-related businesses within West Chester Township, including cannabis-related cultivators, processors, and adult use dispensaries; and

WHEREAS, Township staff require additional time to review and make recommendations on zoning, prohibition and/or limitations of cannabis operators so that any necessary regulations conform to goals of the West Chester Township Board of Trustees and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, a moratorium of three hundred and sixty (360) days on the authorization or establishment of any cannabis-related businesses in West Chester Township will allow the Board of Trustees and Township staff time to accomplish the Township’s goals and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, the West Chester Township Board of Trustees passed Resolution No. 51-2023 enacting this moratorium on December 5, 2023; and

WHEREAS, prior to the West Chester Township Board of Trustees' December 5, 2023 roll call vote on Resolution No. 51-2023, the wrong resolution number was announced; and

WHEREAS, the West Chester Township Board of Trustees desires to affirm the enactment of the 360-day moratorium as set forth in Resolution No. 51-2023, effective as of December 5, 2023.

NOW THEREFORE, BE IT RESOLVED, that the West Chester Township Board of Trustees does hereby resolve to:

SECTION 1. Effective December 5, 2023, pursuant to Resolution No. 51-2023, and pursuant to its powers under Ohio Revised Code Section 3780.25, and Ohio Revised Code Chapter 504, the West Chester Township Board of Trustees hereby establishes a moratorium of three hundred and sixty (360) days with respect to the authorization or establishment of any cannabis-related businesses within West Chester Township, including but not limited to cannabis-related cultivators, processors, or adult use dispensaries.

SECTION 2. For the duration of this moratorium, Township staff are prohibited from issuing or processing any permits or approvals for any cannabis-related businesses such as cannabis-related cultivators, processors, or adult use dispensaries within West Chester Township.

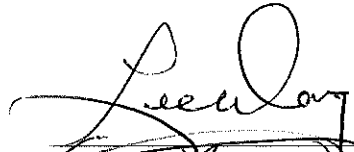
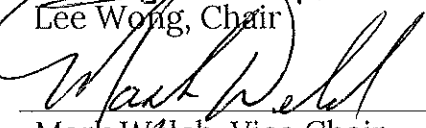
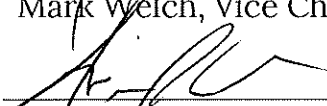
SECTION 3. The Board of Trustees directs the Township staff and the Law Director to investigate and review the implementation of Chapter 3780 of the Ohio Revised; Township staff will then make a recommendation to the Board of Trustees with respect to regulations regarding the cultivation, processing, and adult use dispensing of cannabis.

SECTION 4. It is found and determined that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board of Trustees and of any of its committees that resulted in formal action were in meetings open to the public in compliance with all legal requirements, including 121.22 of the Ohio Revised Code.

SECTION 5. This resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason that the Board desires to prevent the proliferation of cannabis-related businesses within the unincorporated territory of the Township until the effect of this business enterprise on West Chester Township is reviewed, and for these reasons, this resolution affirms that Resolution No. 51-2023 became effective on December 5, 2023.

BE IT FURTHER RESOLVED that this Board upon majority vote does hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorizes the adoption of this resolution on its first reading.

Adopted this 9th day of January, 2024.

	<u>Yes</u>
Lee Wong, Chair	Yes/No
	<u>YES</u>
Mark Welch, Vice Chair	Yes/No
	<u>Y</u>
Ann Becker, Trustee	Yes/No

ATTEST:


Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:


Scott D. Phillips, Law Director