

RESOLUTION NO. 22-2017

RESOLUTION IMPOSING A MORATORIUM OF SIX MONTHS ON THE CULTIVATION, PROCESSING, AND/OR RETAIL SALE OF MEDICAL MARIJUANA WITHIN WEST CHESTER TOWNSHIP AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING

WHEREAS, Ohio House Bill 523 passed both houses of the Ohio state legislature, was signed into law by Governor John Kasich, and became effective September 8, 2016; and

WHEREAS, new Chapter 3796 of the Ohio Revised Code establishes a medical marijuana control program within the department of commerce and the state board of pharmacy, which shall provide for the licensure of medical marijuana cultivators and processors, the licensure of laboratories that test medical marijuana, and the licensure of retail dispensaries and the registration of patients and their caregivers; and

WHEREAS, for the purposes of this Resolution, the definitions of "cultivators," "processors," and "retail dispensaries" are given the same definitions as those found in House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter became effective September 8, 2016; and

WHEREAS, Section 3796.03 of the Ohio Revised Code instructs the department of commerce to adopt rules establishing standards and procedures for the medical marijuana control program within one year after the effective date of that Section; and

WHEREAS, Section 3796.29 of the Ohio Revised Code authorizes a township board of trustees to adopt a resolution limiting the number of, or entirely prohibiting, cultivators, processors, and/or retail dispensaries licensed under Ohio Revised Code Chapter 3796 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 retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within West Chester Township, including medical marijuana-related cultivators, processors, and/or retail dispensaries; and

WHEREAS, Township staff require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana 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 six months on the authorization or establishment of any medical marijuana-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.

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

SECTION 1. Establish a moratorium of six months with respect to the authorization or establishment of any medical marijuana-related businesses within West Chester Township, including but not limited to medical marijuana-related cultivators, processors, and/or retail dispensaries, pursuant to its powers under House Bill 532, Ohio Revised Code Section 3796.29, and Ohio Revised Code Chapter 504.


SECTION 2. Prohibit Township staff for the duration of this moratorium from issuing or processing any permits or approvals for any medical marijuana-related businesses such as medical marijuana-related cultivators, processors, and/or retail dispensaries within West Chester Township.

SECTION 3. Direct the Township staff and the Law Director to investigate and review the implementation of House Bill 532 and Chapter 3796 of the Ohio Revised Code; Township staff will then make a recommendation to the Board of Trustees with respect to regulations regarding the cultivation, processing, and/or retail dispensing of medical marijuana.

SECTION 4. Find and determine 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. Declare 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 medical marijuana-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 shall be effective upon its passage per Ohio Revised Code Section 504.11.

Adopted this 13th day of June 2017.



Mark Welch, President

YES
Yes/No



George Lang, Vice President

YES
Yes/No



Lee Wong, Trustee


Yes
Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director