

RESOLUTION NO. 26-2017

**RESOLUTION DECLARING AND AUTHORIZING A TWO MONTH
EXTENSION TO A MORATORIUM IMPOSED BY RESOLUTION NO. 22-2017,
FROM SIX MONTHS (EXPIRING DECEMBER 13, 2017) TO EIGHT MONTHS
(EXPIRING FEBRUARY 13, 2018) 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 adopted Resolution No. 22-2017 declaring a moratorium of six months (from June 13, 2017 to December 13, 2017) to allow 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 requires an additional two months more 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

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

SECTION 1. Extend the previously adopted moratorium enacted by West Chester Board of Trustee Resolution 22-2017 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, until February 13, 2018.

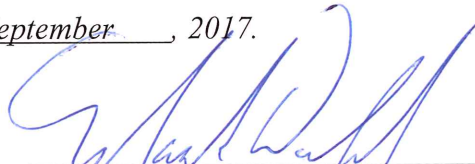
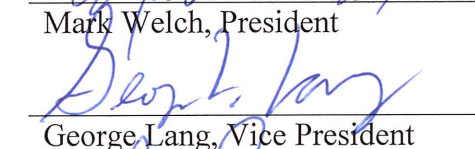
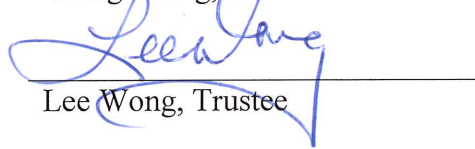
SECTION 2. Prohibit Township staff for the full duration of this moratorium from issuing or processing any permits or approvals for any medical marijuana-related businesses such as medical marijuana-related cultivators, processors, and/or retail dispensaries within West Chester Township.

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.

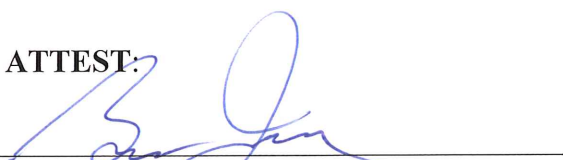
SECTION 4. Find and determine that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board of Trustees and of any of its committees that resulted in formal action were in 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, shall be effective upon its passage per Ohio Revised Code Section 504.11.

Adopted this 12th day of September, 2017.

 _____ Mark Welch, President	<u>YES</u> Yes/No
 _____ George Lang, Vice President	<u>YES</u> Yes/No
 _____ Lee Wong, Trustee	<u>Yes</u> Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director