

ORDINANCE NO. 4-2017

A ORDINANCE ESTABLISHING A PROHIBITION ON THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA AND PROHIBITING THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA IN ALL ZONING DISTRICTS IN THE VILLAGE OF ANSONIA, OHIO

WHEREAS, on June 8, 2016, Substitute HB No. 523, was passed by the 131st Ohio General Assembly and was thereupon signed by Governor Kasich, June 9, 2016, authorizing the use of marijuana for medical purposes and establishing the medical marijuana control program; and

WHEREAS, 131 Sub. H.B. 523, among other things, requires that the Ohio Department of Commerce and State Board of Pharmacy administer a Medical Marijuana Control Program; which permits a patient, upon the recommendation of a physician, to use medical marijuana to treat a qualifying medical condition; permits state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a municipal corporation or a board of township trustees to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary, or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground, or public park; and

WHEREAS, upon enactment of 131 Sub. H.B. 523 it was required that a state board be created that will, in time, determine a regulatory scheme to provide for the just and proper regulation of medical marijuana; and

WHEREAS, marijuana (cannabis) is listed with the Drug Enforcement Administration as a Schedule 1 drug having no currently accepted medical use and a high potential for abuse: as of the date this ordinance was introduced; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, The Village of Ansonia has the power to adopt legislation deemed necessary and proper to protect the health, safety, welfare, comfort and peace of the citizens of the Village of Ansonia including restricting areas used for businesses and trades; and

WHEREAS, the Act included the adoption of Ohio Revised Code, Section 3796.29, which authorized the Village of Ansonia to adopt by Ordinance restrictions including the complete prohibition of cultivators, processors or retail dispensaries within the Village of Ansonia; and

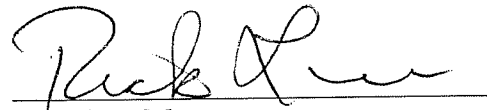
WHEREAS, the Village of Ansonia has determined it to be in the best interest of the community health, safety and welfare to prohibit any cultivation, processing or retail dispensing of marijuana, including for medical purposes, in any form within the Village of Ansonia.

NOW, THEREFORE, BE IT RESOLVED, that cultivation, processing or retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere within the Village of Ansonia.

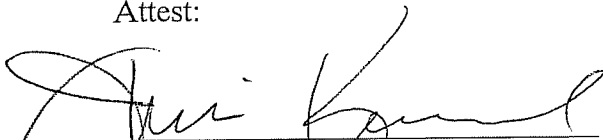
BE IT FURTHER RESOLVED, that the operation of medical marijuana cultivators, processors, and retail dispensaries, as defined by the Ohio Revised Code, is banned and strictly prohibited in all zoning districts in the Village of Ansonia as allowed by Ohio Revised Code Section 3796.29.

This Ordinance shall be in full force and effective at the earliest date permitted by law.

Ordinance adopted this 6th day of June, 2017.


Rick Lee, Mayor

Attest:


Julie Kimmel, Clerk of Council

Approved as to form:

Travis L. Fliehman, Village Solicitor

DAVE Kanney moved the adoption of Ordinance No. 4-2017, for the approval of the Prohibition on the Cultivation, Processing and Retail Dispensing of Medical Marijuana in all Zoning Districts in the Village of Ansonia; seconded by Jeff Garity.

The roll being called upon its adoption, the vote resulted as follows:

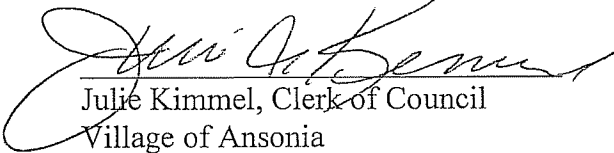
<u>DAVE Kanney</u>	<u>Yea</u>	<u>Jeff Garity</u>	<u>Yea</u>
<u>Ted Adkins</u>	<u>Yea</u>	_____	_____
<u>John Middleton</u>	<u>Yea</u>	_____	_____

CERTIFICATE

State of Ohio, Darke County, ss:

I, the undersigned, Clerk of Council of the Village of Ansonia, Darke County, Ohio, do hereby certify that the foregoing Ordinance is taken and copied from the record of proceedings of said Village and that the same has been compared by me with the Ordinance on said record, and that it is a true copy thereof.

Witness my signature this 6 day of June, 2017


Julie Kimmel, Clerk of Council
Village of Ansonia