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City of Willoughby Hills

Council
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ORDINANCE NO. 2017-12

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES WITHIN THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, on June 8, 2016 the Ohio General Assembly adopted and the Governor signed into law 131 Sub. H.B. 523, which became effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city 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, the City Administration and Planning Commission require time to undertake a thorough review of all applicable state codes, regulations and local ordinances in order to formulate a proper local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, the City of Willoughby Hills and other Ohio Municipalities have the power to enact laws that are for the health, safety, and welfare of their citizens which may include restricting areas used for certain businesses and trades.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Council of the City of Willoughby Hills hereby imposes a twelve (12) month Moratorium on the consideration, approval or authorization of any permitted use, special use or accessory use that would enable the cultivation, processing, or retail sale of medical marijuana. This would include the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable said activity within the City. Said Moratorium extends to the submission, consideration or approval of all applications for general development plans, final development plans, special or accessory use permits, occupancy permits, building permits or the like.

SECTION 2. This Moratorium shall become effective on the date this Ordinance following its passage by City Council, and is approved by the Mayor, shall remain in effect for twelve (12) months following the date upon which it became effective and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is required to allow sufficient time for the Planning Commission or other City department, committees, or commissions to complete the research and recommendation of what action, if any, the City of Willoughby Hills should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to medical marijuana cultivation, processing, or retail dispensary facilities or the Moratorium may be continued for additional time if City Council so chooses in order for City Council to make its decision whether or not to adopt an Ordinance pursuant to ORC 3796.29.

SECTION 3. This Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission, or any other official body, of the City of Willoughby Hills is required to take action upon an application for a special permit, use permit, building permit or site plan approval, or the like, for facilities cultivating, processing, and retail dispensing of medical marijuana that is or may be pending before the Planning Commission, or any other official or official body of the City of Willoughby Hills on the effective date of this Moratorium; and that no such application shall be deemed to be approved by the failure of the Planning Commission, or any other official or official body to approve or deny said application during the time when this Moratorium shall be in effect.

SECTION 4. The City Administration and Planning Commission may begin research and return to City Council recommendations the City of Willoughby Hills should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to the cultivating, processing, and retail dispensing of medical marijuana facilities, this recommendation will be prepared and provided to the Planning Commission for review and subsequent recommendation to City Council.

SECTION 5. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Willoughby Hills, the immediate emergency being the necessity to impose a temporary Moratorium on the consideration, approval or authorization of any applications for any activities conducted pursuant to 131 Sub. H.B. 523, including, but not limited to, facilities that would enable the cultivation, processing, or retail sale of medical marijuana anywhere in the City of Willoughby Hills to give City officials adequate time to consider what, if any, changes are required to current ordinances to adequately protect the public health, safety and welfare of the community; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: March 9, 2017

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this March day of March, 2017

Approved by the Mayor
March 13, 2017

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor