

North Canton City Council  
Ordinances, Rules & Claims Committee  
Resolution No. 1 - 2017

A resolution repealing and replacing Resolution 4-2016 to continue to impose a moratorium on granting building permits or certificates of occupancy for any building, structure, use or change of use, which would authorize the cultivation, processing, or retail sale of medical marijuana for a period not to exceed 12 months from the effective date of this resolution, thereby permitting City Council and the Planning Commission to more fully analyze applicable federal law, North Canton's ordinances, and newly enacted Ohio statutes relative to such use, and declaring the same to be an emergency.

WHEREAS, Ohio's General Assembly adopted and its Governor signed into law House Bill 523, which, amongst other things: permits patients with qualifying medical conditions to obtain, possess, and use medical marijuana; creates state regulatory oversight for the cultivation, processing, retail sale, use, and physician recommendation for the use of medical marijuana; authorizes the legislative authority of a municipal corporation to adopt an ordinance to prohibit, or limit, the number of cultivators, processors, and retails dispensaries licensed within a municipal corporation; and prohibits a medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana from being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park; and

WHEREAS, given the far-reaching impact that House Bill 523 may have on the health, safety, welfare, comfort, and peace of our residents, Council and the Planning Commission require additional time to more fully analyze federal law, statutes, and ordinances involving regulating and restricting areas used for business and trade; and

WHEREAS, Ohio law requires the Ohio Department of Commerce to adopt medical marijuana cultivator, processor, and testing laboratory rules by September 8, 2017; and

WHEREAS, Ohio law requires the State of Ohio Board of Pharmacy to adopt medical marijuana dispensary rules by September 8, 2017; and

WHEREAS, Ohio law requires the State of Ohio Board of Pharmacy to adopt medical marijuana patient/caregiver rules by September 8, 2017; and

WHEREAS, Ohio law requires the State Medical Board of Ohio to adopt rules for physicians certified to recommend medical marijuana by September 8, 2017; and

WHEREAS, Ohio law requires the Ohio Medical Marijuana Control Program to be fully operational by September 8, 2018; and

WHEREAS, to date, none of the above rules have been adopted and therefore North Canton is without critical information regarding the operation of the Ohio Medical Marijuana Control Program; and

WHEREAS, pursuant to the Constitution of the State of Ohio, and the Ohio Revised Code, municipalities have the legal authority to enact planning and zoning laws for the health, safety, welfare, comfort, and peace of the citizens of the municipality, including regulating and restricting areas used for business and trade; and

WHEREAS, North Canton is devoted to supporting and protecting its youth and ensuring families should not have to contend with increased drug exposure and the consequences thereof, that legalizing marijuana for medical use may bring to our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That City Council hereby continues the moratorium on granting building permits or certificates of occupancy for any building, structure, use or change of use, that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed 12 months from the effective date of this resolution, in order to permit Council and the Planning Commission to more fully analyze federal law, Ohio statutes, rules adopted by the Ohio Department of Commerce, the State of Ohio Board of Pharmacy, the State Medical Board of Ohio, and North Canton's ordinances relative to such use.
- Section 2. That for the purpose of this resolution, "medical marijuana" shall have the same meaning as defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.
- Section 3. That no building permits, certificates of occupancy or any other permits shall be granted to open, use any land, or devote any area for the purpose of cultivating, processing, or retail sale of medical marijuana for the period of this moratorium.
- Section 4. That this moratorium shall be in effect for a period of 12 months from the effective date of this resolution or until changes are enacted to amend City ordinances to address the issues detailed above, or until City Council approves legislation explicitly revoking this moratorium, whichever occurs first.
- Section 5. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.

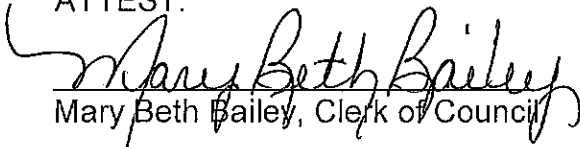
Section 6. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to protect our children, families, workforce—our City—from the increased exposure of marijuana, and the consequences thereof, that may result from legalizing marijuana for medical use; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 16<sup>th</sup> day of February, 2017

  
David Held, Mayor

Signed: 2/16, 2017

ATTEST:

  
Mary Beth Bailey, Clerk of Council