

North Canton City Council
Ordinances, Rules & Claims
Ordinance No. 2 - 2018

An ordinance prohibiting medical marijuana cultivators, processors, and retail dispensaries licensed under Ohio Revised Code Chapter 3796, Medical Marijuana Control Program, within the City of North Canton, and declaring the same to be an emergency.

WHEREAS, Ohio's General Assembly adopted and its Governor signed into law House Bill 523, codified in Chapter 3796 of the Ohio Revised Code; and

WHEREAS, Ohio Revised Code Chapter 3796, among other things, permits licensed physicians to recommend the use of medical marijuana to patients within the State of Ohio, and creates State regulatory oversight of the cultivation, processing, and sale of medical marijuana; and

WHEREAS, Ohio Revised Code Section 3796.29 authorizes the legislative authority of a municipal corporation to adopt by ordinance restrictions including the prohibition of cultivators, processors, and retail dispensaries within said municipal corporation; and

WHEREAS, the City of North Canton, as with other municipal corporations and boards of township trustees, takes legislative notice that the use, possession, cultivation, distribution, and sale of marijuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841; and

WHEREAS, pursuant to the Controlled Substances Act, North Canton has enacted and codified Chapter 531, Drug Abuse Control, therein banning the cultivation, processing, and sale of marijuana; and

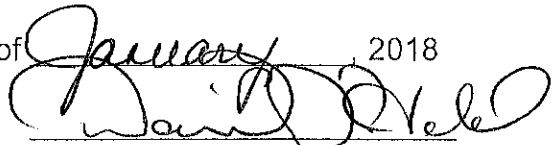
WHEREAS, this Council has determined that in the best interest of the City's health, welfare, and safety to prohibit the cultivation, processing, and dispensing of marijuana for medical purposes with the City pursuant to Ohio Revised Code Section 3796.29.

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

- Section 1. That cultivation, processing, and retail dispensing of marijuana for medical purposes, as defined in Chapter 3796 of the Ohio Revised Code, is hereby specifically prohibited with the City of North Canton.
- Section 2. That for the purpose of this ordinance, "medical marijuana" shall have the same meaning as defined in Section 3796.01(A)(2) of the Ohio Revised Code.

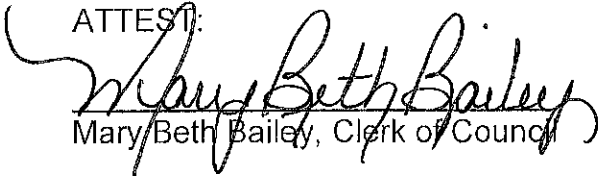
- Section 3. That a new section of Chapter 513, Drug Abuse Control, is hereby created and titled "513.15 Medical Marijuana," which shall restate Sections one and two above.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance 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 ordinance 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 22nd day of January, 2018


David Held, Mayor

Signed: 1/30, 2018

ATTEST:


Mary Beth Bailey, Clerk of Council