

RECORD OF ORDINANCES

Ordinance No. 2019-17Passed February 20, 2019

SPONSOR: SAFETY COMMITTEE

AN ORDINANCE CREATING SECTION 38.10 SUBSTANCE ABUSE PREVENTION POLICY OF THE VILLAGE OF MOGADORE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly enacted Substitute House Bill Number 523, effective September 8, 2016, which legalized medical marijuana in Ohio; and

WHEREAS, Section 3796.28 of the Ohio Revised Code (“ORC”) provides that an employer is not required but may choose to permit or accommodate the use of medical marijuana by its employees; and

WHEREAS, the Village of Mogadore has determined that it shall permit and regulate the use of medical marijuana by Village employees, provided that

- (i) all Village employees shall be prohibited from using medical marijuana so as to cause them to be under the influence during the scope and course of their employment; and
- (ii) all Village employees shall be prohibited from possessing medical marijuana and related paraphernalia while on Village property or in a Village vehicle; and
- (iii) Village employees that perform safety-sensitive duties shall be strictly prohibited from using medical marijuana; and

WHEREAS, the Village has further determined that an employee who tests positive for a medical marijuana product after an accident shall be ineligible for Workers’ compensation; and

WHEREAS, in order to regulate the use of medical marijuana by Village employees, it is necessary to create Section 38.10 of the Village of Mogadore Codified Ordinances, entitled “Substance Abuse Prevention Policy”; and

WHEREAS, the Council finds and determines, after reviewing all pertinent information that it is necessary and in the best interest of the Village of Mogadore to create Section 38.10 of the Codified Ordinances to regulate the use of medical marijuana by Village employees;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

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SECTION 1: That Section 38.10 of the Codified Ordinances of the Village of Mogadore, entitled "Substance Abuse Prevention Policy," be created to state as set forth in the attached Exhibit A; which is incorporated herein.

SECTION 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of the current version of the Mogadore Codified Ordinances to the officials and residents of the Municipality, so as to facilitate administration, law enforcement, the daily operation and avoid legal entanglements, including conflict with general State law, and therefore shall take effect and be in force from and immediately after its passage.

Michael Raddish 2-20-19
President of Council Date

Priscilla 2-21-19
Mayor Date

Attest:

[Signature]
Clerk-Treasurer