

RECORD OF ORDINANCES

Ordinance No. 2023-90

Passed DECEMBER 6, 2023

SPONSOR: PLANNING AND ZONING COMMITTEE

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION, OR SALE OF ADULT USE CANNABIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Revised Code effective December 7, 2023, which legalized and provided for the regulation of “adult use cannabis” as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth; and

WHEREAS, Section 3780.25 of the Revised Code will give this Council the authority to adopt an ordinance to prohibit, or limit the number of adult use cannabis operators licensed under Chapter 3780 of the Revised Code within the Village; and

WHEREAS, pursuant to the Village Charter, as well as the Ohio Constitution, this Council also has the inherent power to enact planning, zoning, and business regulations and laws that further the health, safety, welfare, comfort, and peace of its citizens, including restricting or prohibiting certain business uses, and instituting a moratorium providing for a temporary prohibition of business uses; and

WHEREAS, this Council has determined that additional time is needed to review the applicable sections of Chapter 3780 of the Revised Code and the impact of the same on the Village and the Village’s Codified Ordinances; and

WHEREAS, members of the Ohio General Assembly have expressed their intention to amend Chapter 3780 of the Revised Code, thereby creating further uncertainty as to the full and final content of Chapter 3780 following such amendments; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village to establish a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the Village for a period of six months.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Summit and Portage Counties, State of Ohio, that:

SECTION 1: This Council hereby establishes a moratorium on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change

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of use that would enable the cultivation, processing, distribution or sale of adult use cannabis in the Village for a period of six months from the date of adoption of this Ordinance.

SECTION 2: No existing business in the Village may expand in any way that would establish the cultivation, processing, distribution or sale of adult use cannabis for the duration of the moratorium period established hereby.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the reason that this action is necessary to enable the Village to fully analyze and study the impacts of Chapter 3780 of the Revised Code and its effects on the Village and the health, safety and welfare of its inhabitants, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

Michael Raddish 12.6.23
President of Council Date

Prin G. Di 12.6.23
Mayor Date

Attest:

[Signature]
Clerk-Treasurer