

ORDINANCE NO.: 2024-05

FIRST READING January 22, 2024

INTRODUCED BY: JERRY CANTON

SECOND READING WAIVED

THIRD READING WAIVED

**ORDINANCE ADOPTING A MORATORIUM ON THE REVIEWING, ISSUING, AND PROCESSING OF ANY PERMITS RELATING TO RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE CANNABIS WITHIN THE VILLAGE OF SOUTH RUSSELL FOR A PERIOD OF 12 MONTHS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Ohio 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 Ohio Revised Code gives this Council the authority to adopt an ordinance to prohibit, or limit the number of, adult use cannabis operators licensed under Ohio Revised Code Chapter 3780 of the Revised Code within the Village; and

**WHEREAS**, pursuant to Ohio law, 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, and peace of its citizens, including restricting or prohibiting certain business uses; and

**WHEREAS**, this Council has determined that the public peace, health, safety, and general welfare is preserved by establishing a moratorium on the reviewing, issuing, and processing of any permits relating to retail dispensaries, cultivators, or processors of adult use cannabis within the Village of South Russell for a period of twelve (12) months; and

**WHEREAS**, this Council has further determined that additional time is needed to review the applicable sections of Ohio Revised Code Chapter 3780 and any amendments from the Ohio legislature that may go into effect, as well as the Village’s Codified Ordinances, and to plan for and formulate a response to recreational adult use of cannabis within the Village of South Russell.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of South Russell, Geauga County, Ohio that:

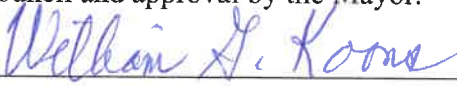
**SECTION 1.** The Council hereby establishes a moratorium on the reviewing, issuing, and processing of any permits relating to retail dispensaries, cultivators, or processors of adult use cannabis within the Village of South Russell for a period of twelve (12) months from the from the effective date of this Ordinance.

**SECTION 2.** The purpose of this moratorium is to allow the Village to consider amendments to the Village’s Codified Ordinances to prepare regulations which may be

necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the Village of South Russell.

**SECTION 3.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

**SECTION 4.** That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason to enable the Village to fully study the impacts of Chapter 3780 of the Ohio Revised Code and its effect on the Village and the health, safety and general welfare of its inhabitants; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.

  
\_\_\_\_\_  
Mayor - President of Council

ATTEST:

  
\_\_\_\_\_  
Fiscal Officer

I certify that Ordinance No. 202~~4~~-05 was duly enacted on the 22<sup>nd</sup> day of JANUARY, 2024, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.

  
\_\_\_\_\_  
Fiscal Officer