

Introduced:
Revised:
Adopted:
Effective

CITY OF PATASKALA

ORDINANCE 2017-_____

AN ORDINANCE PROHIBITING MEDICAL MARIJUANA PROCESSORS AND RETAIL DISPENSARIES, LICENSED UNDER OHIO LAW, FROM LOCATING AND/OR DOING BUSINESS WITHIN THE CITY OF PATASKALA, OHIO AND ALLOWING A LIMITED NUMBER OF MEDICAL MARIJUANA CULTIVATORS, LICENSED UNDER OHIO LAW, TO LOCATE AND/OR DO BUSINESS ONLY WITHIN THE LIGHT MANUFACTURING DISTRICT (M-1) AS A CONDITIONALLY PERMITTED USE

WHEREAS, with HB 523, the General Assembly established the basic framework for Ohio's Medical Marijuana Control Program. This Program is codified in R.C. Chapter 3796 and the corresponding Ohio Administrative Code Chapter; and

WHEREAS, by September 8, 2017, Ohio's Medical Marijuana Control Program will be fully operational. By this date, all of the rules governing cultivators, processors, testing laboratories, dispensaries, patients/caregivers, and physicians will be vetted fully and adopted by the appropriate Department or Board; and

WHEREAS, R.C. 3796.29 specifically provides that "[t]he legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of. [sic] cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively"; and

WHEREAS, Council for the City of Pataskala has thought carefully about and considered Ohio's Medical Marijuana Control Program as well as the City's statutory ability to prohibit or limit the number of cultivators, processors and retail dispensaries within the City; and

WHEREAS, the Light Manufacturing District (M-1) has been established to encourage the development of manufacturing establishments which are clean, quiet, and operate entirely within enclosed structures while generating minimum industrial traffic. The M-1 District is further designed to act as a transitional use between Planned Manufacturing uses and other less intensive businesses. Agriculture is a permitted use in the M-1 District; and

WHEREAS, Council for the City of Pataskala now wants to make clear where, and how, such activities are either prohibited or allowed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PATASKALA, LICKING COUNTY, OHIO, A MAJORITY OF ALL MEMBERS ELECTED THERETO CONCURRING, THAT:

Section 1: Medical Marijuana is defined by R.C. 3796.01 as “marijuana that is cultivated, processed, dispensed, tested, possessed, or used for medical purposes” (“Medical Marijuana”).

Section 2: Medical Marijuana processors and retail dispensaries, licensed under Ohio law, are hereby prohibited from locating and/or doing business within the City of Pataskala, Ohio.

Section 3: Medical Marijuana cultivators, licensed under Ohio law, are hereby allowed to locate and/or do business, only as a conditionally permitted use, in the Light Manufacturing District (M-1) within the City of Pataskala, Ohio. There shall be no more than three (3) Medical Marijuana cultivators located and/or doing business within the City of Pataskala at any one time.

Section 4: The prohibition set forth in Section 2 does not limit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

Section 5: Once this Ordinance takes effect, no provision, definition, regulation or use (permitted or conditional) set forth in the City of Pataskala Zoning Code shall include, or be interpreted to include, Medical Marijuana processing or retail dispensing.

Section 6: Council for the City of Pataskala hereby instructs the Law Director to prepare legislation adding Medical Marijuana cultivation, as a conditionally permitted use, to Section 1251.04 of the Codified Ordinances.

Section 7: 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 Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 8: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

Section 9: This Ordinance shall become effective upon the earliest date allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director

DRAFT