

FIRST READING: 7.25.16
SECOND READING: 9.6.16
THIRD READING: _____

ORDINANCE NO. 39-16

BY: THOMAS J. HUNT

AN ORDINANCE REVISING ROCKY RIVER CODIFIED ORDINANCE SECTION 1123.02 CONCERNING USES AND DEFINITIONS TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MARIJUANA FOR THE PURPOSE OF MEDICAL USE IN ALL ZONING DISTRICTS OF THE CITY OF ROCKY RIVER AND DECLARE AN EMERGENCY

WHEREAS: Substitute HB No. 523, passed by the 131st Ohio General Assembly and thereupon signed by Governor Kasich, June 9, 2016, authorized use of marijuana for medical purposes and established the medical marijuana control program; and

WHEREAS: the Act included the adoption of Ohio Revised Code Section 3796.29, which authorized the legislation of a municipal corporation to adopt by Ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within said municipal corporation; and

WHEREAS: this City Council has determined it to be in the best interest of the community health, safety and welfare to prohibit any cultivation, processing or retail dispensing of marijuana for medical purposes in any form within the city; and

WHEREAS: the Rocky River Codified Zoning Ordinance Section 1123.02 concerning definitions and uses within the zoning districts of the city shall be revised as provided in Exhibit A, consistent with this legislative action.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

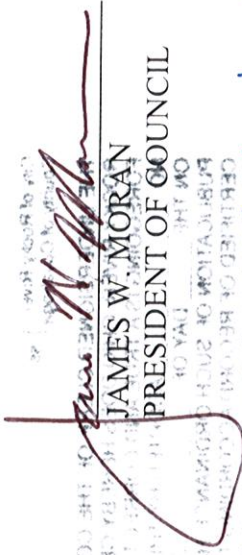
SECTION 1 – Cultivation, processing, or retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere within the City of Rocky River.

SECTION 2 – The Rocky River Codified Zoning Ordinances Section 1123.02 concerning definitions and uses within the zoning districts of the city shall be revised and adopted according to the provisions identified in Exhibit A.

SECTION 3 – That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and for the further reason that the health, safety and welfare of the community dictates that the prohibition of cultivation, processing or retail dispensing of marijuana for medical purposes be legislatively prohibited before the Substitute HB No. 523 goes in to effect on September 9, 2016 and, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 6th day of September, 2016.

PASSED: September 6th, 2016


JAMES W. MORAN
PRESIDENT OF COUNCIL

PRESENTED TO
MAYOR: September 6th, 2016

APPROVED: September 6th, 2016

WITNESSETH:


SUSAN G. PEASE
CLERK OF COUNCIL


PAMELA E. BOBST
MAYOR


Clerk of Council of the City of Rocky River, Ohio

Exhibit A

1123.02 DEFINITIONS

- (b) For the purpose of this Development Code, the following terms shall have the meaning herein indicated:
- (104) Medical/dental/health services clinic. An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only, including outpatient surgery. This term does not include a hospital. **This term also does not include cultivating, processing, or dispensing medical marijuana.**
- (114) Office, medical/dental. Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical/dental facilities are operated by doctors, dentists, or similar practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Medical/dental office includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. **This term does not include cultivating, processing, or dispensing medical marijuana.**
- (149) Retail establishment. An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building façade devoted to display windows may be considered. This term does not include any sexually oriented businesses. **This term also does not include cultivating, processing, or dispensing medical marijuana.**
- (189) Marijuana. Marijuana means marihuana as defined in section 3719.01 of the Revised Code.
- (190) Medical Marijuana. Medical marijuana means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.