

AN ORDINANCE REVISING THE ROCKY RIVER CODIFIED ORDINANCES BY ENACTING SECTION 1195.12 TO ADDRESS THE PROVISIONS OF RECENTLY PASSED STATE ISSUE 2 (CHAPTER 3780 OF THE OHIO REVISED CODE) REGARDING ADULT USE CANNIBUS PROCESSING, DISPENSING, LABORATORIES, CULTIVATION AREAS AND CULTIVATION FACILITIES, PURSUANT TO THE AUTHORITY SET FORTH IN OHIO REVISED CODE SECTION 3780.25 (LOCAL AUTHORITY REGARDING ADULT USE OPERATORS) AND DECLARING AN EMERGENCY

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

WHEREAS, Ohio Revised Code Chapter 3780 authorizes and regulates recreational adult use cannabis operators permitted under said recently enacted Chapter in the State of Ohio, and

WHEREAS, Ohio Revised Code Section 3780.25 authorizes a municipality to prohibit adult use cannabis operators within the corporate limits of the municipality; and

WHEREAS, pursuant to Ohio Revised Code Section 3780.01(A)(2), "adult use cannabis operator" is defined as a level 1 adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary; and

WHEREAS, this City Council finds that prohibiting adult use cannabis operators within the City of Rocky River is necessary and proper to protect the health, safety, welfare, comfort, and peace of the citizens of the City of Rocky River; and

WHEREAS, this Ordinance should be declared an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City of Rocky River because Ohio Revised Code Chapter 3780 went into effect on December 7, 2023;

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

SECTION 1. That Section 1195 of the Codified Ordinances of the City of Rocky River be amended to enact new Section 1195.12, as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 2. It is 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 such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety for the reason that the effective date of Ohio Revised Code Chapter 3780, as set forth above, was December 7, 2023 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 passage and approval by the Mayor; otherwise it shall take effect and be in force on and after the earliest period allowed by law.

PASSED: December 18th, 2023

PRESENTED
BY: MAYOR: December 18th, 2023

APPROVED: December 18th, 2023

WITNESSETH:

Susan G. Pease
SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst
PAMELA E. BOBST
Mayor

Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

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 18th day of December, 2023.

James W. Moran
JAMES W. MORAN
President of Council

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 112-23 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 18th DAY OF December, 2023 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 112-23

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 18th DAY OF December, 2023.

Amanda A. Olson
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

EXHIBIT A

1195.12 ADULT USE CANNABIS OPERATORS PROHIBITED

- (a) The term “adult use cannabis operator” shall have the same meaning as in Section 3780.01(A)(2) of the Ohio Revised Code, effective December 7, 2023.
- (b) No person or entity licensed as an adult use cannabis operator under Chapter 3780 of the Ohio Revised Code shall open, establish, or operate any business or commercial enterprise of any kind within the corporate limits of the City.
- (c) Notwithstanding the provisions of Chapter 3780 of the Ohio Revised Code, all cultivating, processing and dispensing of adult use cannabis, cannabis and marijuana is prohibited within the corporate limits of the City.
- (d) No permit, zoning variance or exception, or other administrative approval shall be approved or issued by any administrative official of the City to any person, entity or other applicant desiring or intending to operate a business or commercial enterprise as an adult use cannabis operator within the corporate limits of the City.
- (e) Any use or condition caused or permitted to exist in violation of any of the provisions of this Section 1195.12 shall be and hereby is declared to be a public nuisance and shall be abated by the City.
- (Ord. 112-23; Passed 12.18.23)