

ORDINANCE NO. 113-23

FIRST READING: 12.18.23

SECOND READING: _____

THIRD READING: _____

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 ADULT USE IN ALL ZONING DISTRICTS OF THE CITY OF ROCKY RIVER AND DECLARE 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 I 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 – Cultivation, processing, or retail dispensing of marijuana for adult recreational use 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 adult recreational use purposes be legislatively prohibited 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 followed by law.

I, the undersigned, do hereby certify that I am the Mayor of the City of Rocky River, Ohio, and I hereby certify that the foregoing ordinance was duly passed and adopted by the City Council of the City of Rocky River, Ohio, on the 18th day of December, 2023.


JAMES W. MORAN
PRESIDENT OF COUNCIL

City of Rocky River, Ohio
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. 113-23 ADOPTED BY THE COUNCIL OF SAID CITY

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 **and/or adult recreational use marijuana or the operation of a “adult use operator” as defined in RC 3780.01(A)(2), regardless of any provisions of Chapter 3780 of the Ohio Revised Code.**
- (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 also does not include cultivating, processing, or dispensing medical **and/or adult recreational use marijuana or the operation of a “adult use operator” as defined in RC 3780.01(A)(2), regardless of any provisions of Chapter 3780 of the Ohio Revised Code.**
- (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 **and/or adult recreational use marijuana or the operation of a “adult use operator” as defined in RC 3780.01(A)(2), regardless of any provisions of Chapter 3780 of the Ohio Revised Code.**
- (190) Medical Marijuana. Medical marijuana means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
- (191) Adult Use Cannabis, Cannabis, Marijuana. **Adult use cannabis or cannabis or marijuana means marijuana as defined in section 3719.01 of the Revised Code..**
- (Ord. 113-23; Passed 12.18.23)