

RECORD OF RESOLUTIONS

Resolution No. 2022-R-32

November 27, 2023

City of Bellbrook State of Ohio

Resolution No. 2023-R-32

IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING ADULT USE CANNABIS OPERATORS WITHIN THE CITY OF BELLBROOK

WHEREAS, Chapter 3780 “Adult Use Cannabis Control” of the Ohio Revised Code, which legalizes recreational marijuana usage, cultivation, processing, and sales in the State of Ohio, was adopted by initiative petition on November 7, 2023; and

WHEREAS, Chapter 3780 of the Ohio Revised Code will become effective December 7, 2023; and

WHEREAS, for the purposes of this Resolution, “adult use cannabis operators” are given the same definition as is found in Chapter 3780 of the Ohio Revised Code; and

WHEREAS, the Home Rule Amendment of the Ohio Constitution allows municipalities to legislate on issues of concern through the adoption of its Charter to exercise local self-government powers; and

WHEREAS, Ohio Revised Code Section 3780.25 authorizes a municipality to limit the number of, or entirely prohibit, adult use cannabis operators in the City of Bellbrook; and

WHEREAS, City Council seeks time to study whether it should entirely prohibit the adult use cannabis operators in the City of Bellbrook or, alternatively, develop and implement regulations concerning adult use cannabis operators operating in the City; and

WHEREAS, City Staff will require time to review and make recommendations on zoning, prohibition and/or limitations of adult use cannabis operators so that any necessary regulations conform to goals of the City of Bellbrook and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, a moratorium of six months on the issuance and processing of permits allowing adult use cannabis operators in the City of Bellbrook will allow Council time to accomplish the City’s goals and help ensure the public peace, health, safety, and welfare of its citizens and to take quick action to review the potential issues and is regulation or laws are made public prior to the expiration of the moratorium, the City may take legislative action to rescind or replace the moratorium, provided however, Council reserves the right to take legislative action to extend the moratorium if regulations are not made public within the 180 days.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. City Council hereby imposes a moratorium of six months, one hundred eight days (180) on the issuance and processing of permits for adult use cannabis operators in the City of Bellbrook. The purpose of this moratorium is so that City Staff and City Council may study the law and the related

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issues and then determine whether to limit or entirely prohibit adult use cannabis operators in the City of Bellbrook and to prepare any necessary, related regulations.

Section 2. The duration of this moratorium shall commence with the passage of this Resolution and shall end, unless extended by City Council for the reasons set forth above, 180 days after the passage of this Resolution and is limited to allow for the review of the law and related issues then make a determination as needed regarding whether to permit adult use cannabis operators in the City of Bellbrook.

Section 3. It is hereby found and determined through authority of this moratorium Council hereby directs and orders that there shall be no issuance or processing of permits for adult use cannabis operators by or within the City of Bellbrook during the duration of this moratorium.

Section 4. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 5. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 27th day of November, 2023.

7 Yeas; 0 Nays.

AUTHENTICATION:



Michael W. Schweller, Mayor



Robert Schommer, Clerk of Council