

ORDINANCE NO. 17- 2024

AN ORDINANCE IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OF ADULT USE PROCESSORS AND ADULT USE CULTIVATORS IN THE VILLAGE OF MADISON, AND DECLARING AN EMERGENCY.

WHEREAS, the enactment of Chapter 3780 of the Ohio Revised Code authorized “adult use cannabis operators” in this State, which phrase includes level I, II, and III adult use cultivators and adult use processors, all as defined in R.C. § 3780.01; and

WHEREAS, R.C. § 3780.25(A) expressly authorizes the legislative authority of a municipal corporation to adopt an ordinance prohibiting adult use cannabis operators within the territory of the municipal corporation; and

WHEREAS, the Village Planning Commission, Administration, and this Council have undertaken review of the land use implications should adult use processors and/or adult use cultivators be permitted to be established in the Village; and

WHEREAS, pending the State adopting administrative regulations related to these businesses, inclusive of required security, it is not possible to know the extent to which these operations may be compatible in the various zoning districts of the Village and/or the extent to which local regulations may conflict with, or may permissibly supplement, State regulations; and

WHEREAS, only upon final adoption of State regulations may further research, investigation and analysis occur to ascertain the public health, safety and general welfare effects of these businesses and their operational practices such that final conclusions may be drawn for zoning purposes; and

WHEREAS, in addition to and independent of R.C. § 3780.25(A), this Ordinance is and shall constitute an exercise of the Village's Charter and plenary Ohio constitutional powers, §§ 3 and 7 of Article XVIII, Ohio Constitution, for local self-governance and the authority to adopt and enforce within its territory such local police, sanitary and other similar regulations as are not in conflict with general laws; and

WHEREAS, the Council now desires to exercise statutory as well as Ohio Constitutional powers to implement a six-month moratorium on the establishment of adult use cultivators and adult use processors within the territory of the Village of Madison.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That the preamble of this Ordinance is incorporated herein as a material part of the enactment.

SECTION 2. That upon the effective date of this Ordinance and for a period that expires on October 30, 2024, no zoning, building, occupancy, and/or re-occupancy permit may be applied for or issued for any adult use cultivator, which shall include a "level I adult use cultivator," a "level II adult use cultivator," and a "level III adult use cultivator," and, for any "adult use processor," all as defined in § 3780.01 of the Ohio Revised Code and as said Code section may be reenacted, renumbered, and amended from time-to-time, and no new business/operation meeting the definition(s) of these terms/phrases shall be permitted to operate in the Village.

SECTION 3. That 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, except as otherwise provided by § 121.22 of the Ohio Revised Code, all deliberations of this 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 4. That this Ordinance constitutes an emergency measure necessary for the peace, health, and safety of the Village of Madison and for the further reason that immediate passage is necessary in order to effectively implement the moratorium provided for herein and not defeat the purposes and intents of the moratorium, as they are outlined in the preamble of this Ordinance; wherefore, this Ordinance must and shall take immediate effect and be in force from and immediately upon its passage pursuant to Art. V, § 5.2 of the Charter.

PASSED:

1st Reading: April 22, 2024



Mark V. Vest,
President of Council

Attested:



Kristie Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.,
Mayor

4/22/2024
Date