

**RESOLUTION NO. R -5-16**

**A RESOLUTION TO IMPOSE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE VILLAGE OF SPENCER ADMINISTRATION, COUNCIL AND PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES, AND THE VILLAGE OF SPENCER ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY.**

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a village to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within five hundred feet (500') of a school, church, public library, public playground or public park.

WHEREAS, as such, the Village's Administration, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the Village in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Spencer,

Ohio, three-fourths (3/4) of its members concurring herein as follows:

Section 1. Council hereby imposes a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this resolution, in order to allow the Village Administration, Council and the Village of Spencer Planning Commission to review applicable Ohio statutes, criminal codes and the Village of Spencer Zoning Code relative to such use.

Section 2. For the purpose of this resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

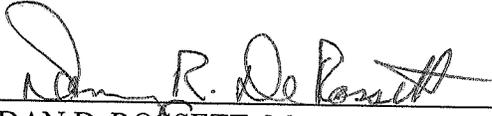
Section 3. No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the Village may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

Section 4. The moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the Village of Spencer to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

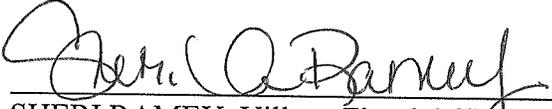
Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety, and welfare of the Village of Spencer and for the reason that the State of Ohio law has changed to allow the growing and distribution of medical marijuana and regulations to address these issues on behalf of the Village of Spencer and not currently enacted, and, therefore, this Resolution shall be in full force and effect from and after its passage.

**PASSED:** October 19, 2016

  
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DAN DeROSSETT, Mayor

ATTEST:

  
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SHERI RAMEY, Village Fiscal Officer