

1st Reading, December 26, 2023
2nd Reading, January 8, 2024
3rd Reading, January 22, 2024
Tabled January 22, 2024

Introduced by: Mayor Britton

ORDINANCE NO. 42 - 2023

AN ORDINANCE PROHIBITING ADULT USE CANNABIS OPERATORS 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” which phrase includes level I, II, and III adult use cultivators, adult use processors, and adult use dispensaries, 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 has pursuant to its Charter and §§ 3 and 7 of Article XVIII of the Ohio Constitution plenary powers of local self-government 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 prohibit adult use cannabis operators 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 “adult use cannabis operators,” which phrase is and shall include all level I, II, and III adult use cultivators, adult use processors, and adult use dispensaries, 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, are and shall be prohibited within the Village of Madison, Lake County, Ohio.

SECTION 3. That this Ordinance shall not limit research related to marijuana conducted in accordance with law by a state university, academic medical center, or private

research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

SECTION 4. 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 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare, and safety of the inhabitants of this Village, and for the further reason that the unknown legal and practical effects of the State's licensing scheme create an immediate risk of potential harm to its citizens; WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon its passage.

PASSED:

1st Reading: December 26, 2023
2nd Reading: January 8, 2024
3rd Reading: January 22, 2024

Mark V. Vest,
President of Council

Attested:

Kristie Crockett,
Fiscal Officer / Clerk of Council

Approved:

Sam Britton, Jr.,
Mayor

Date