

**ORDINANCE NO. 2017-50**

**INTRODUCED BY: COUNCILWOMAN WEISS**

**AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF BUILDING PERMITS, ZONING APPROVALS, CERTIFICATES OF OCCUPANCY THAT WOULD ENABLE THE CREATION OR EXISTENCE OF MEDICAL MARIJUANA TESTING LABORATORIES OR TESTING FACILITIES FOR A PERIOD NOT TO EXCEED SIX MONTHS TO ALLOW THE CITY TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, after the 131<sup>st</sup> General Assembly of Ohio approved Substitute House Bill 523 (“H.B. 523”), Governor John Kasich signed it into law on June 8, 2016; and

**WHEREAS**, H.B. 523 became effective on September 8, 2016; and

**WHEREAS**, H.B. 523, among other things, creates the State regulatory oversight for medical marijuana testing laboratories and testing facilities; and

**WHEREAS**, H.B. 523 states that this Council has the power to adopt ordinances prohibiting, limiting, and otherwise regulating medical marijuana laboratories within the limits of the City; and

**WHEREAS**, pursuant to the City’s Charter, as well as the Ohio Constitution, this Council has the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

**WHEREAS**, the City needs additional time to review applicable sections of the Codified Ordinances and the Ohio Revised Code and to plan for and to formulate an appropriate response to portions of H.B. 523 relating to testing laboratories and testing facilities;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:**

**Section 1.** For the purpose of this ordinance, “medical marijuana” shall have the same meaning as that term is defined in Ohio Revised Code Section 3796.01(A)(2) as adopted by H.B. 523.

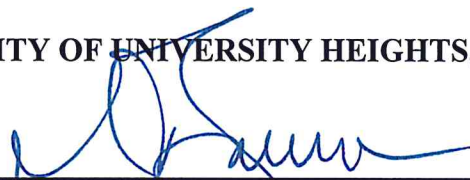
**Section 2.** This Council establishes a moratorium on the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy or certificates of occupancy that would enable the creation of or existence of medical marijuana testing laboratories or testing facilities in the City of University Heights for a period of six months from the date of adoption of this Ordinance by Council.

**Section 3.** No existing business or entity may expand in a way that would establish a medical marijuana testing laboratory or testing facility for the duration of the moratorium established by this Ordinance.

**Section 4.** It is hereby 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 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.

**Section 5.** This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of University Heights for the reason of the necessity to immediately establish the moratorium for the reasons set forth in the recitals of this Ordinance and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

CITY OF UNIVERSITY HEIGHTS, OHIO



MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: 12/18/2017

PASSED: 01/02/2018

ATTEST:



KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:



LUKE F. MCCONVILLE, LAW DIRECTOR