

ORDINANCE NO. O-24-12

**AN ORDINANCE AMENDING ORDINANCE NO. O-17-24 ORDINANCE TO CREATE
CHAPTER 761: MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND
RETAIL DISPENSERS, AND DECLARING AN EMERGENCY.**

WHEREAS, Sub. H.B. 523 is the legislative authority for the Medical Marijuana Control Program and effectively legalizes the cultivation, processing, and dispensing of medical marijuana in the State of Ohio, subject to certain restrictions and conditions; and, the passage of Ballot Issue Ohio Issue 2, Marijuana Legalization Initiative (2023); and

WHEREAS, the legal definitions for “cultivators,” “processors,” and “retail dispensaries” are codified in Chapter 3796 and 3780 of the Ohio Revised Code and have the same meaning herein as found in Sub. H.B. 523 and Chapters 3796 and 3780 of the Ohio Revised Code; and,

WHEREAS, Sections 3796.29 and 3780.25 of the Ohio Revised Code authorizes a municipality to limit, or entirely prohibit, licensed cultivators, processors, and retailers of medical/recreational marijuana within the limits of the Village of Clinton, Ohio; and

WHEREAS, marijuana (cannabis) is listed with the Drug Enforcement Administration as a Schedule I drug having “no currently accepted medical use and a high potential for abuse” as of the date this ordinance was introduced; and,

WHEREAS, marijuana being a DEA Schedule I drug, this City Council believes the only prudent course is to ban business and trades dealing in the commercial cultivation, processing, and retail dispensing of marijuana within the limits of the Village; and,

WHEREAS, pursuant to the Ohio Constitution of the State of Ohio and the Revised Code, municipal corporations have the power to adopt legislation deemed necessary and proper to protect the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restrictions on areas used for business and trades; and,

WHEREAS, the Council finds that prohibiting medical marijuana cultivators, processors, and retail dispensers within the Village of Clinton is necessary and proper to protect the health, safety, welfare, comfort, and peace of the citizens of the Village and therefore, this ordinance is passed as an emergency.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Clinton, Summit County, Ohio, as follows:

Section 1: In accordance with Section 3796.29, the Council hereby adopts an ordinance prohibiting medical marijuana cultivators, processors, and retailers and that Title 7 of the Village’s Code of Ordinances be amended to create Chapter 761 titled “Medical/Recreational Marijuana Cultivators, Processors, and Retail Dispensers” as follows:

**CHAPTER 761: MEDICAL/RECREATIONAL MARIJUANA
CULTIVATORS, PROCESSORS, AND RETAIL DISPENSERS**

§ 761.01: DEFINITIONS

- (a) "Marijuana" means the same as "marihuana" as defined in Section 3719.01 of the Ohio Revised Code.
- (b) "Medical marijuana" means marijuana that is cultivated, processed, tested, dispensed, possessed, or used for a medical purpose.

§ 761.02: COMMERCIALLY CULTIVATING, PROCESSING, AND DISPENSING MEDICAL/RECREATIONAL MARIJUANA PROHIBITED.

No person shall commercially cultivate, process, dispense, or sell medical and/or recreational marijuana with the Village of Clinton.

§ 761.03: PENALTIES

Whoever violates any section of this Chapter is guilty of a misdemeanor of the first degree. Each day that any person continues to violate this chapter shall constitute a separate and complete offense.

Section 2: That all other language as approved in Codified Ordinance Section 7061, will remain the same.

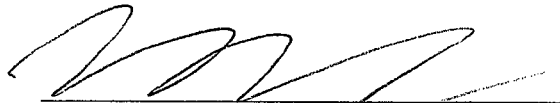
Section 3: That this Ordinance is in the best interests and public safety of the Village of Clinton and its residents.

Section 4: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 5: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village's residents, for the immediate implementation of these rules, and provided this Ordinance receives the affirmative vote of the members elected or appointed to Council, it shall take effect and be enforced immediately upon its passage.

Sept. 3, 2024
Approved On


William C. (Bud) McDaniel, Mayor

By: Leah Weirick
Leah Weirick, Fiscal Officer

Matt Steiner
Matt Steiner, President of Council

ON ROLL CALL:

Janice Godwin

Y

Ross Blankenship

N

Keith Clackler

Y

Matt Steiner

A = Absent

Marissa Gensimore

Y

Rita Joseph

A = Abstain

CERTIFICATION

I, Leah Weirick, Fiscal Officer of the Village of Clinton, Summit County, Ohio do hereby certify that the foregoing Ordinance No. O-24-12 is a correct copy of the Ordinance passed by a 2/3 vote of members of the members of the Village of Clinton Council, which Ordinance was duly passed by the Council of the Village of Clinton, and approved by Mayor of the Village of Clinton, County of Summit, and State of Ohio on 9-3, 2024 given under my hand the official seal this 3rd day of, September, 2024.

by: Leah Weirick
Leah Weirick, Fiscal Officer