

**CITY OF NORTH OLMSTED, OHIO
ORDINANCE NO. 2023 - 141**

BY: Mayor Jones

***AN ORDINANCE ESTABLISHING A NEW CHAPTER 767 OF
THE BUSINESS REGULATION CODE OF THE CODIFIED
ORDINANCES OF THE CITY OF NORTH OLMSTED,
ENTITLED "SALE OF CANNABIS" AND DECLARING AN
EMERGENCY.***

WHEREAS, on November 7, 2023 electors in the State of Ohio in the general election approved an issue known as Issue 2, an initiative petition to create a new Chapter 3780 of the Ohio Revised Code regarding adult use cannabis control to authorize and regulate the cultivation, processing, sale, purchase, possession, home grow, and adult use cannabis by adults at least twenty-one years of age; and

WHEREAS, Issue 2 will take effect on December 7, 2023; and

WHEREAS, new Chapter 3780.25 of the Ohio Revised Code entitled, "Local authority regarding adult use cannabis" of Title 37 of the Ohio Revised Code entitled, "Health, Safety, Morals," reads in pertinent part as follows:

(A) The legislative authority of a municipal corporation may adopt an ordinance, or board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively; and

WHEREAS, the City Council of the City of North Olmsted determines that the sale of adult use cannabis within the City of North Olmsted does not promote and provide for the public peace, health, safety, convenience, comfort, prosperity and general welfare of its residents and pursuant to the authority R.C. Chapter 3780.25, the City Council does wish to prohibit "adult use cannabis operators" within the City of North Olmsted;

WHEREAS, in addition to Chapter 3780.25, Art. XVIII, §3 of the Ohio Constitution, ("Home Rule Amendment"), provides that "[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws."; and

WHEREAS, the City of North Olmsted in its preamble states:

We, the people of the City of North Olmsted, in the County of Cuyahoga and State of Ohio, in order to secure for ourselves the benefits of

municipal home rule and to exercise all the powers of local self-government under God, and under the Constitution and laws of the State of Ohio, do ordain and establish this Charter for the government of the City of North Olmsted; and

WHEREAS, as a chartered municipality, Art. II of the Charter of the City of North Olmsted states as follows:

The City of North Olmsted shall have all the powers, expressed or implied, now or hereafter granted to municipalities by the Constitution and laws of the State of Ohio, and such further powers as may now or hereafter be granted by the laws of the State of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or by ordinance of the Council created hereby. Duties and procedural requirements unilaterally imposed by the State upon municipal corporations that purport to limit exercises of local self-government power shall not be binding upon or applicable to the City of North Olmsted, unless expressly authorized in the City Charter or by City Ordinance; and

WHEREAS, the City Council of the City of North Olmsted further determines that the sale of adult use cannabis within the City of North Olmsted does not promote and provide for the public peace, health, safety, convenience, comfort, prosperity and general welfare of its residents and pursuant to the authority granted by Art. XVIII, §3 of the Ohio Constitution, the City Council does wish to prohibit “adult use cannabis operators” within the City of North Olmsted; and

WHEREAS, this Council finds it necessary to adopt a new Chapter 767 entitled “Sale of Cannabis” of the “Business Regulation Code” of the Codified Ordinances of the City of North Olmsted to maintain the public peace, health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH OLMSTED, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1: That new Chapter 767 entitled “Sale of Cannabis” of the “Business Regulation Code” of the Codified Ordinances of the City of North Olmsted is hereby adopted and shall read as set forth in the attached Exhibit A which is fully incorporated by reference herein.

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and it is further necessary for this Ordinance to be in effect immediately upon its passage in order to be in effect prior to December 7, 2023 when new Title 37 of the Ohio Revised Code takes effect and rights afforded the City may be exercised; and provided this Ordinance receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor

PASSED: _____

First Reading: _____

Second Reading: _____

Third Reading: _____

Committee: _____

ATTEST:

BEATRICE TAYLOR
Clerk of Council

LOUIS BROSSARD
President of Council

APPROVED: _____

APPROVED AS TO LEGAL FORM:

MAYOR NICOLE DAILEY JONES

/s/ Michael R. Gareau, Jr. _____
MICHAEL R. GAREAU, JR.
Director of Law