

ORDINANCE NO. 2-24

**AN EMERGENCY ORDINANCE ADDRESSING THE PROVISIONS OF RECENTLY PASSED STATE ISSUE 2 (CHAPTER 3780 OF THE OHIO REVISED CODE) REGARDING ADULT USE CANNABIS PROCESSING, DISPENSING, LABORATORIES, CULTIVATION AREAS AND CULTIVATION FACILITIES, PURSUANT TO THE AUTHORITY SET FORTH IN R.C. 3780.25 (LOCAL AUTHORITY REGARDING ADULT USE OPERATORS)**

**WHEREAS**, on November 7, 2023, voters in Ohio Approved State issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

**WHEREAS**, R.C. 3780 authorizes and regulates recreational adult use cannabis operators permitted under chapter 3780 in the State of Ohio; and

**WHEREAS**, R.C. 3780.25 authorizes a municipality to prohibit adult use cannabis operators within the corporate limits of the municipality; and

**WHEREAS**, pursuant to R.C. 3780.01(A)(2), “adult use cannabis operator” means a level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor and an adult use dispensary; and

**WHEREAS**, Council finds that prohibiting adult use cannabis operators within the City of Ashland is necessary and proper to protect the health, safety, welfare, comfort, and peace of the citizens of the City of Ashland; and

**WHEREAS**, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City of Ashland because the Chapter 3780 went into effect on December 7, 2023;

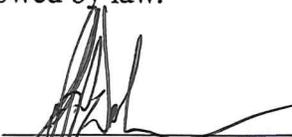
**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHLAND, COUNTY OF ASHLAND, STATE OF OHIO, 5 MEMBERS THERETO CONCURRING:**

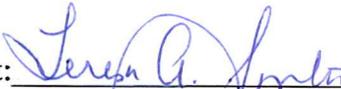
**Section 1.** That Section 513.151 of the Codified Ordinances of the City of Ashland be, and the same is hereby enacted, as set forth in Exhibit A attached hereto and made a part hereof.

**Section 2.** 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 all such deliberations of the Council and of any of its committees that results in such formal action were in meetings open to the public in compliance with all legal requirements.

**Section 3.** That, because of the effective date of Revised code Chapter 3780, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: 2 January, <sup>2024</sup>~~2023~~

  
\_\_\_\_\_  
Steve Workman, President of Council

Attest:   
\_\_\_\_\_  
Teresa Santino Clerk of Council

Approved   
\_\_\_\_\_  
Matt Miller, Mayor

Approved as to form and correctness:

  
\_\_\_\_\_  
Richard P. Wolfe II – Law Director

## **EXHIBIT A**

### **513.151 ADULT USE CANNABIS OPERATORS**

- (a) The term “adult use cannabis operator” shall have the same meaning as in Section 3780.01(A)(2) of the Ohio Revised Code, effective December 7, 2023.
- (b) No person or entity licensed as an adult use cannabis operator under Section 3780 of the Ohio Revised Code shall open, establish, or operate any business or commercial enterprise of any kind within the corporate limits of the City.
- (c) No zoning clearance, permit, or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted to any person, entity other applicant desiring or intending to operate a business or commercial enterprise as an adult use cannabis operator within the corporate limits of the City.
- (d) Any use of condition cause or permitted to exist in violation of any of the provisions of this Section 513.151 shall be and hereby is declared to be a public nuisance and may be abated by the City.
- (e) A violation of Section (b), above, shall constitute a misdemeanor of the first degree.