

BOARD OF TOWNSHIP TRUSTEES OF _____ TOWNSHIP

A RESOLUTION TO PROHIBIT ADULT USE CANNABIS OPERATORS AND
MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, AND RETAIL DISPENSARIES
WITHIN THE UNINCORPORATED AREA OF _____ TOWNSHIP

The Board of Township Trustees of _____ Township met on _____,
20____, with the following members present:

Trustee _____ moved that the following resolution be adopted:

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, Chapter 3780 authorizes and regulates recreational adult use cannabis in the state of Ohio; and

WHEREAS, R.C. 3780.25 authorizes townships to prohibit or limit the number of adult use cannabis operators (as defined in R.C. 3780.01) within the unincorporated area of the township; and

WHEREAS, Medical marijuana is regulated in Ohio by Chapter 3796 of the Ohio Revised Code; and

WHEREAS, R.C. 3796.29 similarly authorizes townships to prohibit or limit the number of marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796 within the unincorporated area of the township; and

WHEREAS, the board of township trustees finds it to be in the best interest of the township to prohibit adult use cannabis operators licensed under Chapter 3780, as well as cultivators, processors, and retail dispensaries licensed under Chapter 3796, within the unincorporated area of the township;

Now, therefore, be it RESOLVED, as follows:

- 1) All terms used in this resolution shall be defined in the same manner as R.C. Chapter 3796, as it pertains to medical marijuana, and R.C. Chapter 3780, as it pertains to adult use cannabis. All terms used in this resolution but not defined in those chapters shall be construed, for purposes of this resolution, in a manner to be consistent with the use of such terms in both chapters.
- 2) Adult use cannabis operators, as well as cultivators, processors, and retail dispensaries of medical marijuana are hereby prohibited from operating within the unincorporated area of _____ Township.
- 3) It is the intent of the Board of Township Trustees to prohibit the operations described in Section 2 above to the maximum extent permitted by R.C. 3780.25, R.C. 3796.29, and any other applicable provisions of state law. This resolution shall be construed in a manner that gives maximum effect to that intent.

Trustee _____ seconded the motion, and the roll call vote proceeded as follows:

_____	_____
_____	_____
_____	_____

Adopted this _____ day of _____, 20_____.

Township Fiscal Officer



CHRISTOPHER R. TUNNELL

ASHLAND COUNTY
PROSECUTING ATTORNEY

TO: All Ashland County townships
SUBJECT: Township authority to limit or prohibit cannabis and marijuana cultivation, processing, and dispensary operations
DATE: November 8, 2023

Dear Trustees:

On November 7, 2023, Ohio voters approved State Issue 2. Effective thirty days from the date of the election, Chapter 3780 of the Ohio Revised Code will take effect, authorizing and regulating the possession, use, and sale of recreational marijuana and cannabis products. (These products are generally referred to in Chapter 3780 as “adult use cannabis” to distinguish them from *medical* marijuana, which is already separately authorized and regulated under Chapter 3796 of the Revised Code.)

Note that the ballot initiative only enacted new provisions of the Revised Code; it is *not* a constitutional amendment, and the legislature can amend these statutes in the same way that it amends any other statute. (As the majority of voters voted in favor of this legislation, however, I do not anticipate that the legislature will make any drastic changes right away)

Included in the new law, R.C. 3780.25 specifically authorizes boards of township trustees to adopt a resolution, by majority vote, to prohibit or limit the number of “adult use cannabis operators” within the unincorporated territory of the township. **This is not a zoning statute. Even unzoned townships may adopt such a resolution, and any township, whether zoned or unzoned, may adopt the resolution by simple majority vote of the board of township trustees.** There is no need to hold hearings, obtain the recommendations of the zoning commission or planning commission, or follow any of the requirements specific to zoning amendments.

An “adult use cannabis operator” that can be regulated under this statute is defined in R.C. 3780.01 as:

- A level I, II, or III adult use cultivator (essentially a growing operation)
- An adult use processor (essentially one who manufactures adult use cannabis products from the raw plants).
- An adult use dispensary (essentially a retail store that sells adult use cannabis products).

Additionally, R.C. 3796.29 authorizes townships (whether zoned or unzoned) to prohibit or limit the number of *medical* marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796. This authority is already in effect and has been since the medical marijuana statutes were enacted in 2016.

Townships are specifically *not* authorized under new Chapter 3780 to prohibit or limit home growing of marijuana as authorized by that chapter, or to prohibit or restrict any other activity authorized by that chapter.

I have prepared a specimen resolution to prohibit adult use cannabis operators and medical marijuana cultivators, processors, or retail dispensaries within the township. The resolution form is appended to the end of this letter. If the trustees wish to enact such a resolution, you may use this form as written. If you would like to make any modifications to this form, please do not hesitate to contact me and I can advise and assist you with the modifications.

Please contact me if you have any questions.

Very truly yours,
CHRISTOPHER R. TUNNELL
Ashland County Prosecuting Attorney

By: Michael D. Donatini
Michael D. Donatini
First Assistant Prosecuting Attorney

MORROW COUNTY

Love life. Live rural.

To: Morrow County Commissioners

From: David A. Gentile CFM

Date: March 23, 2017

Subject: Medical Marijuana Law and how it is applicable to the county.

The Morrow County Zoning Office would like to provide relevant information from the recently passed Ohio House Bill 523 concerning medical marijuana. The legislative sponsor crafted this bill in its final form to provide regulation at the lowest governmental level, the township. The law allows townships (and municipalities) through resolution to regulate the number of cultivators, processors and dispensaries of medical marijuana. Local government can prohibit each use if so desired. (This applies to all townships, not just ones with zoning enacted.)

The legislation allows township zoning to define the cultivation of marijuana not as an agricultural use and allows the location to be controlled or prohibited. The location of processing facilities or dispensaries can also be identified within the respective township zoning code to be controlled or prohibited from a land use perspective.

The bill modifies O.R.C. 519.21 that covers township zoning but does not mention O.R.C. 303 that covers county zoning. Medical marijuana cultivation under county zoning is considered an agricultural use and is exempt from zoning regulation. The processing and sale can be regulated through zoning such as a commercial business would be regulated. This will only apply if the processing and sales are performed as stand-alone operations. If those uses occur in conjunction with the cultivation, then the whole process would be exempt through the agricultural exemption rule.

House Bill 523 also prohibits the location of a cultivator, processor or dispensary of medical marijuana within 500 feet of any of the following throughout the entire state regardless of local jurisdiction rule: school, church, public library, public playground, or park.

In summary, townships or municipalities can regulate the number of, or prohibit medical marijuana facilities within their jurisdiction, and where zoning is enacted, either municipal or township, can regulate the location or prohibit it. County zoning can only regulate the location of processing and sales facilities in the manner of like businesses when done separate from the cultivation.

The following sections of the Ohio Revised Code reference the changes to zoning authority as well as defines uses relevant to medical marijuana.

3796.29 Limitations on number of cultivators, processors, or retail dispensaries by localities

The legislative authority of a municipal corporation may adopt an ordinance, or a board of township trustees may adopt a resolution, to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively.

This section does not authorize the legislative authority of a municipal corporation or a board of township trustees to adopt an ordinance or resolution limiting research related to marijuana conducted at 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.

Added by 131st General Assembly File No. TBD, HB 523, §1, eff. 9/8/2016.

519.21 Powers not conferred on township zoning commission by chapter

(D) Nothing in this section prohibits a township zoning commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.

Amended by 131st General Assembly File No. TBD, HB 523, §1, eff. 9/8/2016.

3796.30 Activities prohibited near schools, churches, libraries, playgrounds or parks

(A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

(B) This section does not apply to research related to marijuana conducted at 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.

*Harmony Township
2324 County Road 170
Marengo, Ohio 43334
419-949-4529
Fax 419-949-4345*

May 22, 2017

The following resolution was passed on May 1, 2017 please make sure any transaction from your office revolving around Harmony Township, Morrow County, Ohio that you provide a copy of this resolution.

Thank You,

A handwritten signature in blue ink, appearing to read "John Pennington". The signature is stylized and cursive.

**John Pennington
Fiscal Officer
jpennington13@columbus.rr.com**

**cc: Ohio Department of Commerce
Morrow County Office of Economic Development
Morrow County Record's Office
Morrow County Zoning Office
Morrow County Engineer's Office**

BOARD OF TRUSTEES
HARMONY TOWNSHIP, MORROW COUNTY, OHIO

RESOLUTION NO. 05-2017-01

RESOLUTION TO PROHIBIT MEDICAL MARIJUANA BUSINESSES WITHIN
TOWNSHIP BOUNDARIES

WHEREAS, House Bill 523, effective on September 8, 2016, legalizes medical marijuana in Ohio. Ohio's medical marijuana law allows people with qualifying medical conditions to buy and use marijuana if they have a recommendation from their doctor, and allows retail stores to sell marijuana. The new law also allows cities and townships to restrict or prohibit medical marijuana businesses but not use.

WHEREAS, House Bill 523 prohibits a cultivator, processor, retail dispensary or testing laboratory from being located within 500 feet of a school, church, public library, public playground or public park, and allows municipal corporations and townships to limit or prohibit the number of medical marijuana businesses within their borders (excepting research done at a state university, medical center or private research facility). Townships can furthermore regulate the location of medical marijuana businesses in unincorporated areas of the township.

AND WHEREAS, the Board of Trustees of Harmony Township, Morrow County, Ohio desires to protect public safety and privacy interests of its citizens, which interests are compromised by the introduction of medical marijuana businesses into the local community, thereby attracting and inviting persons and business interests related to marijuana growing and sales into Harmony Township that are not desirable nor compatible with the rural and residential nature of the township and its citizens.


NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Trustees, Harmony Township, Morrow County, Ohio, two-thirds of all members elected thereto concurring, has determined that it is in the public interest to prohibit the introduction of medical marijuana businesses into Harmony Township to preserve and protect the rural and residential nature of the township and for the best interests of the local community.
2. This resolution is intended to prohibit the following from operating in the township pursuant to House Bill 523, legalizing medical marijuana:
 - (a) a cultivator; or
 - (b) a processor; or
 - (c) a retail dispensary; or
 - (d) testing laboratory.


3. This resolution does not apply to research done at a state university, medical facility or private research facility.
4. This resolution, once passed, shall be forwarded to the Ohio Department of Commerce for compliance herewith.
5. This resolution, once passed, shall be forwarded to the Morrow County Office of Economic Development for compliance herewith.
6. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted at an open meeting of this Board and that all deliberations of this Board or any of its committees that resulted in such formal action were in meetings open to the public and complies with all legal requirements including Section 121.22 of the Ohio Revised Code.
7. This Resolution shall take effect on 5-2-17, 2017, following the filing of this Resolution with the Harmony Township Fiscal Officer.

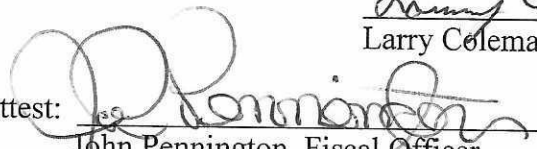
Date of Passage: 05-02-2017

HARMONY TOWNSHIP BOARD OF TRUSTEES

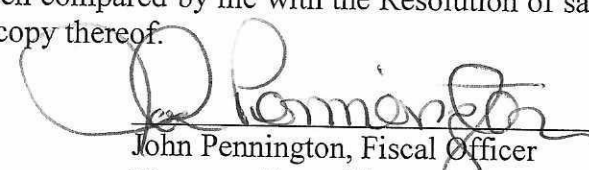

Norman Miller, Trustee


Michael Park, Trustee


Larry Coleman, Trustee

Attest: 
John Pennington, Fiscal Officer

I, John Pennington, Fiscal Officer of the Township of Harmony, Morrow County, Ohio, do hereby certify that the foregoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees of Harmony Township, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.


John Pennington, Fiscal Officer
Harmony Township

BOARD OF TRUSTEES
HARMONY TOWNSHIP, MORROW COUNTY, OHIO

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7. This Resolution shall take effect on _____, 2017, following the filing of this Resolution with the Harmony Township Fiscal Officer.

Date of Passage: _____

HARMONY TOWNSHIP BOARD OF TRUSTEES

Norman Miller, Trustee

Michael Park, Trustee

Larry Coleman, Trustee

Attest: _____
John Pennington, Fiscal Officer

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John Pennington, Fiscal Officer
Harmony Township

- ▶ TWP RD 233, NOT SURE WHAT PROCESS TO TAKE NEXT, MAYBE CORE SAMPLE. ALSO CONTACT ENGINEER TO MEET OUT ON THE ROAD FOR HIS SUGGESTION AS WHAT WOULD BE HIS NEXT MOVE? CONTACT ENGINEER TO FOR CORE SAMPLE HELP, AND SETUP MEETING. HAVE MADE CONTACT WITH COUNTY ENGINEER AND HE WOULD HAVE PRICE FOR CORE SAMPLE AND WILLING TO INTERPRET THE FINDINGS. ALSO WILLING TO MEET OUT ON TOWNSHIP ROAD 233 TO HELP IN DECISION MAKING AS TO WHAT WOULD BE THE BEST PLAN TO MOVE FORWARD.

ANY CONTACT OR INFORMATION?

- ▶ AT THIS TIME THE BOARD OPENED THE FLOOR FOR HARMONY RESIDENCES;
BILL ARMSTRONG WAS HERE FOR COMPLAINT ON RESIDENCE TINA BROWN FOR THE BURNING AND ALL THE TRASH ON THE PROPERTY. THE BOARD WENT THRU THE PROCEDURES OF A NUISANCE COMPLAINT.

HAVE RECEIVED LETTER FROM HEALTH DEPARTMENT WITH THE STATEMENT THAT THEY COULD NOT FIND ANY VIOLATION. NUISANCE COMPLAINT CLOSED.

STEVE AND VICKI WELLS WAS HERE TO COMPLAIN ABOUT THE SPEEDING ON NORTH END OF TOWNSHIP ROAD 20 COMING OFF OF CO. RD. 25, THE BOARD EXPLAINED HOW THE TOWNSHIP DOES NOT THE HAVE THE AUTHORITY TO CONTROL THE SPEED LIMITS.

- ▶ CHARLES WAS HERE TO HELP WITH THE MEDICAL MARIJANA IS A POSSIBILITY IN THE TOWNSHIP. AFTER CHARLES EXPLANATION THE BOARD MOVE TO APPROVE A RESOLUTION TO NOT TO ALLOW THIS ACTIVITY IN THE TOWNSHIP.

MOTION TO ADOPT – TRUSTEE MILLER, 2ND BY – CHAIRMAN PARK VOTING WAS AS FOLLOWS, CHAIRMAN PARK-YES, VICE CHAIRMAN COLEMAN-YES, TRUSTEE MILLER-YES.

MOTION PASSED, FISCAL OFFICER IS TO FINISH PAPER WORK AND SEND OUT COPIES OF THE RESOLUTION TO ALL CONCERNING PARTIES FROM COUNTY DEPARMENTS TO THE STATE OF OHIO COMMERCE DEPARTMENT.

- ▶ THE BOARD IS CONCERNED ABOUT THE ROOF ON THE OLD SCHOOL HOUSE IT HAS BEEN MORE THAN SEVERAL YEARS SINCE IT WAS LAST PAINTED.

MOTION BY PAINT ROOF – CHAIRMAN PARK, 2ND BY VICE CHAIRMAN COLEMAN

CHAIRMAN PARK-YES, VICE CHAIRMAN COLEMAN-YES, TRUSTEE MILLER-YES

- ▶ DISCUSSION ON TWO ROADS THAT NEED CHIPPED AND SEALED THIS YEAR, 161 AND 185. IT WAS THE BOARD DECISION TO JOIN WITH THE COUNTY ENGINEER TO SEE IF THE TOWNSHIP WILL SAVE COST OVER LAST YEAR WORK PERFORMED BY IBERIA EARTHWORK AND MID OHIO PAVING