

1st READING 11/6/17
2nd READING 11/20/17
3rd READING 12/4/17
12/18/17 Tabled
1/2/18 passed

ORDINANCE NUMBER 2017-49

**AN ORDINANCE TO PROHIBIT MEDICAL MARIJUANA
CULTIVATION, PROCESS AND RETAIL DISTRIBUTION
WITHIN THE CITY OF ST. CLAIRSVILLE
AND DECLARING AN EMERGENCY**

WHEREAS, ON May 25, 2016, the Ohio General Assembly passed Substitute House Bill 523 ("H.B. 523"), which allows individuals with a qualifying medical condition, on the recommendation of a physician, to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess and use medical marijuana for the treatment of said condition; and

WHEREAS, H.B. 523 was signed into law by Ohio Governor John Kasich and thereafter became effective on September 9, 2016; and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio, the City Charter, and the Ohio Revised Code, municipalities have the inherit power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, O.R.C. §3796.29, enacted by H.B. 523, affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors or retail dispensaries of medical marijuana within their corporation limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. CLAIRSVILLE, OHIO:

Section 1: That Title VII, Business Regulations, shall be amended by adding Chapter 738, Medical Marijuana, to read as follows:

CHAPTER 738 - MEDICAL MARIJUANA

738.01 DEFINITIONS.

- (a) "Academic medical center" has the same meaning as in Section 4731.297 of the Ohio Revised Code.
- (b) "Marijuana" has the same meaning as marihuana as defined in Section 3719.01 of the Ohio Revised Code.
- (c) "Medical marijuana" means marijuana that is cultivated, process, dispensed, tested, possessed or used for a medical purpose.
- (d) "State university" has the same meaning as in Section 3345.011 of the Ohio Revised Code.

738.02 CULTIVATION, PROCESSING OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.

- (a) The cultivation, processing or retail dispensing of medical marijuana within the City of St. Clairsville is hereby prohibited.
- (b) This section does not prohibit 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, if otherwise permitted by State law or rule or local ordinance.

738.03 PENALTY

Whoever violates Section 738.02(A) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.

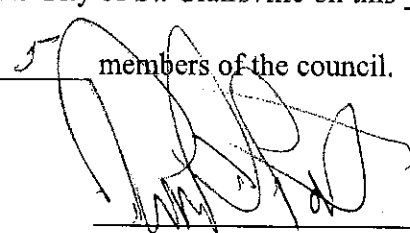
Section 2. That Council hereby finds that all deliberations and votes taken in relation to this Ordinance were done in a public meeting in accordance with Section 121.22 of the Ohio Revised Code.

Section 3. That the provisions of this Ordinance are severable, and if any one or more should be found unenforceable for any reason, the remaining provisions shall remain in full force and effect.

Section 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public health, safety and welfare of the residents of the City of St. Clairsville to prohibit medical marijuana cultivation, processing and retail distribution within the City.

PASSED at a meeting of the council of the City of St. Clairsville on this 2nd day of Jan., 2018, by the affirmative vote of 5 members of the council.

PASSED: Jan 2, 2018

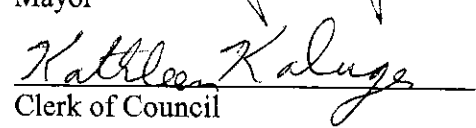


President of Council



Mayor

APPROVED: Jan 2, 2018



Clerk of Council