

ORDINANCE NO. 52-24

**AN ORDINANCE ADOPTING CHAPTER 849 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON PROHIBITING ADULT USE
(AKA RECREATIONAL) MARIJUANA AND MEDICAL
MARIJUANA DISPENSARIES WITHIN THE CITY
AND DECLARING AN EMERGENCY**

WHEREAS, on November 7, 2023, Ohio voters passed Issue 2 to enact Chapter 3780 of the Ohio Revised Code; and

WHEREAS, Chapter 3780 of the Ohio Revised Code, among other things, creates a Division of Cannabis Control; authorizes that Division to regulate, investigate, and penalize adult use cannabis operators, adult use testing laboratories, and individuals required to be licensed; legalizes and regulates the cultivation, processing, sale, purchase, possession, home grow and use of cannabis by adults at least twenty-one years of age; creates additional protections for individuals who engage in permitted adult use cannabis conduct; prohibits certain local government entities from limiting specific research, levying a tax, or charge on adult use operations, their owner, or their property not generally charged on their business, and prohibits certain local government entities from prohibiting or limiting adult use cannabis home grow or prohibiting or restricting an activity authorized by Chapter 3780; and

WHEREAS, Chapter 3870 also permits the legislative authority of a municipal corporation to prohibit or limit the number of adult use cannabis operators permitted under Chapter 3870 within the municipal corporation; and

WHEREAS, the City's Administration and City Council, having considered the new legislation, the applicable state codes, regulations, and local ordinances in order to formulate a proper local response to O.R.C. Chapter 3870, have decided to prohibit all marijuana dispensaries from operating within the City, regardless of whether for adult use or for medicinal purposes, having determined that such a prohibition would be in the best interests of the health, safety and general welfare of the community; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the proposed Chapter 849 entitled "Medical Marijuana and Adult Use Cannabis" be and the same is hereby adopted in its entirety as set forth in the attached [Exhibit A](#) which incorporated herein by this reference.

Section 2 - That the Codifier is hereby instructed to create and insert Chapter 849 into the Avon Codified Ordinances in its proper numerical sequence.

Section 3 - 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 deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to create regulations relative to prohibiting the dispensing of medical or adult use marijuana in the City before ORC Chapter 3780 regulations are adopted; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director