

VILLAGE OF PENINSULA, OHIO
ORDINANCE NO.: 22-2017
INTRODUCED BY: Dee Holaday
DATE PASSED: November 13 2017

**AN EMERGENCY ORDINANCE ENACTING CHAPTER 731 OF THE CODIFIED
ORDINANCES PROHIBITING MEDICAL MARIJUANA CULTIVATORS,
PROCESSORS, AND RETAIL DISPENSARIES FROM LOCATING AND OPERATING
IN THE VILLAGE**

WHEREAS, Ohio House Bill 523, which provides for the legalization and regulation of medical marijuana in the State, became effective September 8, 2016; and

WHEREAS, Ohio Revised Code Section 3796.29 provides that the legislative authority of a municipality may adopt an ordinance to prohibit medical marijuana cultivators, processors, and dispensaries within the municipality; and

WHEREAS, Council deems it necessary for the health, safety, and welfare of the residents of the Village and as a business regulation matter to prohibit, with the exception of those licensed facilities indicated in Section 731.02, medical marijuana cultivators, processors, and retail dispensaries within the Village, in accordance with the authority granted to it by Ohio Revised Code Section 3796.29.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Peninsula, Summit County, Ohio, to wit:

SECTION 1. Council hereby and herein enacts Chapter 731 of the Business Regulation Code as is indicated in the attachment hereto.

SECTION 2. All formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the residents of the Village of Peninsula for the reason that Council desires that this Ordinance go into effect as soon as possible, and therefore, this Ordinance shall take immediate effect upon its passage.

SECTION 4. Effective Date. This Ordinance shall take effect on the 13 day of November, 2017.

CHAPTER 731
Medical Marijuana Cultivators, Processors, and Retail Dispensaries

731.01 PROHIBITION.

Cultivators, processors, or retail dispensaries of medical marijuana as defined and licensed in Chapter 3796 of the Ohio Revised Code, as it may be amended from time to time, shall be prohibited in the Municipality, except that the distribution of medical marijuana by a licensed pharmacy shall be permitted in the same manner as other prescription drugs are sold.

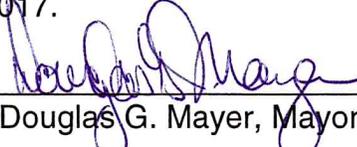
731.02 EXCEPTIONS.

The prohibition set forth in Section 731.01 above shall not apply to licensed facilities involving research related to marijuana conducted at a state university, academic medical center, or by a private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity as provided in Section 3796.29 of the Ohio Revised Code.

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IN WITNESS WHEREOF, we have hereunto set our hands this 13 day
of November, 2017.

Passed:



Douglas G. Mayer, Mayor

Attest:



John D. Stiegel, Fiscal Officer

Approved as to Legal Form.



Bradric T. Bryan, Solicitor

I, John D. Stiegel, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, at a meeting held on the 13 day of November, 2017.

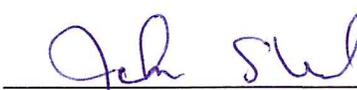


John D. Stiegel, Fiscal Officer

Posting Certificate

I, John D. Stiegel, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, hereby certify that there is no newspaper published in the Municipality, and publication of the foregoing Ordinance was made by posting true and accurate copies thereof at five of the most public places in the Village as previously determined by Council, each for a period of at least fifteen days, commencing on the 20 day of November, 2017, as follows:

1. Terry Lumber & Supply;
2. Valley Fire District;
3. Peninsula Library & Historical Society;
4. Peninsula Village Hall Lobby; and
5. Peninsula Post Office.



John D. Stiegel, Fiscal Officer