

RESOLUTION NO. 2016 - 11

**A RESOLUTION TO AUTHORIZE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED ONE YEAR FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW COUNCIL AND THE PARMA HEIGHTS PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE PARMA HEIGHTS ZONING CODE RELATIVE TO SUCH USE THEREFORE, AND DECLARING AN EMERGENCY**

**WHEREAS**, on June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective September 8, 2016; and

**WHEREAS**, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

**WHEREAS**, House Bill 523 allows for the Department of Commerce to award licenses to medical marijuana cultivators, processors, and testing laboratories; and

**WHEREAS**, House Bill 523 allows for the State Board of Pharmacy to award licenses to medical marijuana dispensaries; and

**WHEREAS**, Section 3796.29 of House Bill 523 clarifies that Ohio municipal corporations may adopt ordinances prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the municipal corporation; and

**WHEREAS**, the City Administration, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

**WHEREAS**, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. This Council imposes a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation,

processing, or retail sale of medical marijuana for a period not to exceed one year from the effective date of this resolution, in order to allow the City Administration, Council and the Parma Heights Planning Commission to review applicable Ohio statutes, criminal codes and the Parma Heights Zoning Code relative to such use

Section 2. For the purpose of this resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01 (A) (2) of the Ohio Revised Code, effective September 8, 2016.

Section 3. No building permits, certificates of occupancy for any building, structure, use or change of use shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

Section 4. The moratorium shall be in effect for a period of one year from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of Parma Heights to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 6. This Council declares this resolution to be an emergency measure for the immediate preservation of the public health, peace and safety of this municipality and for the further reason that it is necessary to authorize a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed one year wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: 9-12-2016

[Signature]  
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan  
CLERK OF COUNCIL

9-12-2016  
APPROVED

FILED WITH  
THE MAYOR: 9-12-2016

[Signature]  
MAYOR