

P/C 7-20-21 Legislative
CA 8-24-21
1st R 8-24-21 CR12A
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B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11213-2021

INTRODUCED BY: COUNCILMAN TROYER

AN ORDINANCE

ENACTING CHAPTER 556 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PROHIBITION OF CULTIVATION, PROCESSING OR RETAIL DISPENSARIES OF MEDICAL MARIJUANA', AND DECLARING AN EMERGENCY

WHEREAS, Section 3796.29 of the Ohio Revised Code, authorizes municipalities to prohibit medical marijuana cultivators, processors, or retail dispensaries licensed under Chapter 3796;

WHEREAS, for the purpose of this Ordinance, the definitions of "cultivators" "processors" and retail dispensaries" are given the same definitions as those found in Chapter 3796 of the Ohio Revised Code; and

WHEREAS, this Council has determined it to be in the best interest of the community health, safety and welfare to prohibit any cultivation, processing, dispensing or testing of marijuana for medical purposes in any form within the City pursuant to Ohio Revised Code Section 3796.29 and the Home Rule Powers conferred by Article XVIII, Section 3 of the Ohio Constitution; and

WHEREAS, this is a temporary measure until Council can promulgate its own regulations for the safe dispensing of medical marijuana.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Chapter 556 of the Brook Park Codified Ordinances, entitled "Prohibition of Cultivation, Processing or Retail Dispensaries of Medical Marijuana" is hereby enacted to read as follows:

CHAPTER 556

Prohibition of Cultivation, Processing or Retail
Dispensaries of Medical Marijuana

SECTION 556.01 DEFINITIONS.

- (a) For purposes of this Chapter, the words "marijuana," "medical marijuana," "patient," "caregiver," "cultivation," "cultivator," "processing," "processor," "retail dispensary," and "retail dispensing" and their grammatical derivatives, shall have the same meanings as

defined or described in Chapter 3796 of the Ohio Revised Code.

SECTION 556.02 PROHIBITION.

(a) The cultivation, processing and dispensing of medical marijuana is prohibited within the corporate limits of the City of Brook Park, Ohio, regardless of whether a cultivator, processor or retail dispensary has a medical marijuana cultivator, processor, or dispensary license in the State of Ohio or elsewhere. "Processing," "cultivating" and "dispensing" includes the delivery and sale of medical marijuana. No person or entity shall fail to obey any provision of this Chapter within any zoning districts within the City of Brook Park pursuant to the authority granted by the Ohio Revised Code under Section 3796.29.

(b) Nothing herein shall prohibit patients registered with the state board of pharmacy to use medical marijuana or caregivers, registered with the state board of pharmacy to administer medical marijuana to their patients, and from exercising their rights under Chapter 3796 of the Ohio Revised Code.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action were in meetings open to the public 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 immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to enact Chapter 556 of the Brook Park Codified Ordinances; provided this ordinance receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

August 24, 2021

ATTEST:

Michelle Blazak
CLERK OF COUNCIL

APPROVED:

[Signature]
PRESIDENT OF COUNCIL
MAYOR

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11413-2021 passed on the 24th day of August 2021 by said council.
Michelle Blazak
Clerk of Council

DATE 8/24/20

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS

[Signature]
DIRECTOR OF LAW

Troyer
Mencini
Orcutt
Scott
Schmuck
Poindexter
Salvatore

I, Michelle Blazak, Clerk of Council for the City of Brook Park, Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five (5) the most public places in said municipality as determined by Ordinance No. 4838-1975: #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

[Signature]
MICHELLE BLAZAK
Clerk of Council