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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 33-2016

INTRODUCED BY: COUNCILWOMAN MCCORMICK

A RESOLUTION

TO PROVIDE FOR A PROCESS FOR THE IMPLEMENTATION OF 131 SUB. H.B. 523 AND THE ASSESSMENT OF COMMUNITY ISSUES, NEEDS AND CONCERNS RELATING TO LEGALIZING MEDICAL MARIJUANA IN THE STATE OF OHIO AND ENSURING THE SAFE, RESPONSIBLE IMPLEMENTATION IN BROOK PARK, AND DECLARING AN EMERGENCY

WHEREAS, 131 Sub. H.B. 523 was adopted by the Ohio General Assembly and signed into law on June 8, 2016; and

WHEREAS, 131 Sub. H.B. 523 goes into effect 90 days after being signed into law, on September 8, 2016, and will legalize marijuana use for individuals with qualifying medical conditions with a doctor's recommendation; and

WHEREAS, the City Council has a vested interest in ensuring that Brook Park residents have access to all viable medical options that could address symptoms associated with chronic, painful, or terminal diseases; and

WHEREAS, while it will be legal for Ohioans to obtain and use medical marijuana for qualifying conditions effective September 8, 2016, the State of Ohio and its' medical marijuana advisory board have yet to establish all of the regulations governing the cultivation, processing, and retail sale of medical marijuana.

WHEREAS, the City Council recognizes the potential for economic development opportunities that may arise as a result of the State's new medical marijuana laws; and

WHEREAS, the City Council also has an interest and responsibility to ensure that the cultivation, processing and retail sale of medical marijuana is done safely and responsibly in Brook Park; and

WHEREAS, the City Council adopted on September 6, 2016, Res. 25-2016 which imposes effective immediately a six-month moratorium on the issuance of building permits, certificates of occupancy, or any other permits for businesses seeking to be involved in the

cultivation, processing, or retail sale of medical marijuana. The moratorium was adopted to allow Council and the City time to fully investigate the impact 131 Sub. H.B. 523 will have on the City, and determine its local response.

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

SECTION 1: The Council of the City of Brook Park supports the rights of residents to access medical care to alleviate the pain and suffering from qualified medical conditions as determined by the State of Ohio and the State's medical marijuana advisory board.

SECTION 2: Council will consider the economic opportunities that the new medical marijuana laws may offer to the City of Brook Park, as well as the medical needs of the community.

SECTION 3: The moratorium previously imposed by Council shall in no way effect the ability of residents to legally obtain and use medical marijuana within the City of Brook Park or the State of Ohio.

SECTION 4: Council reaffirms provisions of 131 Sub. H.B. 523 that create an affirmative defense for patients obtaining medical marijuana from alternative sources before it is available from regulated Ohio sources. It is important to note that for the affirmative defense to be used, the medical marijuana must still be in a form and consumed only as allowed by 131 Sub. H.B. 523.

SECTION 5: Council encourages the State of Ohio and its medical marijuana advisory board to adopt regulations that protect consumers and the state's communities.

SECTION 6: Council will conduct a series of public hearings to assess community needs as well explore issues that may derive from presentations including physicians, pharmacists, employers, and other medical marijuana industry experts. The goal of holding the public meetings is to gather information and determine how Brook Park will respond to the state's legalization of medical marijuana.

SECTION 7: The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to be posted on the City's website.

SECTION 8: It is found and determined that all formal actions of this Council concerning and relating to this Resolution 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 9: This Resolution 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; therefore, provided that this Resolution receives the affirmative vote of at least five (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: September 20, 2016

Jim Astor
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR
9/20/2016
DATE

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

[Signature]
DIRECTOR OF LAW

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. 33-2016 passed on the 20th day of SEPTEMBER 2016 by said council.
Michelle Blazak
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Powers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McCormick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of 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 six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing September 28, 2016
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council