

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE 2024 -9-2

AN ORDINANCE IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE CANNABIS BOTH MEDICINAL AND RECREATIONAL WITHIN THE VILLAGE OF NEW CONCORD, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, adopting proposed legislation authorizing the cultivation, processing, and retail dispensing of adult use cannabis; and

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters was automatically incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023, with no further action required by the Ohio General Assembly (the “Act”); and

WHEREAS, upon the passage of State Issue 2, members of the Ohio General Assembly expressed an intention to amend the Act, but have not yet clarified whether the Act will be repealed, modified, or materially altered; and

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis Control” shall adopt rules establishing standards and procedures for the implementation of the adult use cannabis program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis Control a period of nine months after December 7, 2023, to implement rules and regulations regarding the adult use cannabis program; and

WHEREAS, Council and the Mayor intend to adopt legislation that provides for the orderly implementation of adult use cannabis in the Village consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, and welfare of its citizens, including, restricting, prohibiting, and/or regulating certain business uses; and

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted, and the Village has had an opportunity to study the foregoing, Council has determined it to be in the best interest of the community’s health, safety, and welfare to impose a moratorium

on any cultivation, processing, or retail dispensing of cannabis for adult use business purposes in any form within the Village of New Concord, except as required by the Act.

NOW THEREFORE, be it ordained by the Council of the Village of New Concord, Ohio that:

Section 1. Except as required by the Act, Council hereby imposes an immediate moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of adult use cannabis as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

Section 2. The purpose of this moratorium is to allow the Village Administration, Mayor and Council time to review any legislative actions of the Ohio General Assembly relating to State Issue 2 and rules and regulations adopted by the Division of Cannabis Control, and to consider amendments to pertinent Codified Ordinances, including the Planning and Zoning Code and the Village’s Criminal Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit, or prohibit cultivators, processors, and retail dispensaries in the Village.

Section 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors, or retail dispensaries of adult use cannabis shall be issued or processed by the Village during the moratorium.

Section 4. The moratorium shall be in effect for a period beginning from the effective date of this Ordinance through March 1st, 2025, until changes are enacted to amend the Codified Ordinances of the Village of New Concord to address adult use cannabis, or until Council approves legislation expressly revoking this moratorium, whichever occurs first.

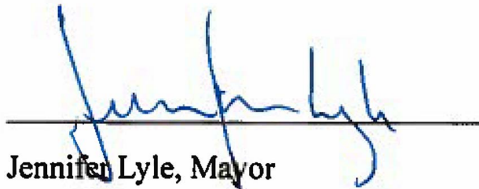
Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning or relating to the passage of this Ordinance were taken in open meeting(s) of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22

PASSED: September 9, 2024



Steve Wootton, President of Council

APPROVED: September 9, 2024



Jennifer Lyle, Mayor

ATTEST:



Debra Whitehair, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

Debra Whitehair

Debra Whitehair, Fiscal Officer