

(Mayor Potter)

**CITY OF KIRTLAND**

**RESOLUTION NUMBER 23-R-90**

**A RESOLUTION IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSARIES, OF ADULT USE MARIJUANA WITHIN THE CITY OF KIRTLAND, OHIO, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale, and use of marijuana products for recreational purposes; and

**WHEREAS**, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters will automatically be 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 Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,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” shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

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

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

**WHEREAS**, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace 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 City has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate

moratorium on the issuance and processing of any permits for retail dispensaries of adult use marijuana within the City of Kirtland, except as required by the Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

**Section 1:** Except as required by the Act, the Mayor and Council hereby impose an immediate moratorium on the issuance and processing of any permits for retail dispensaries of adult use marijuana 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 City Administration and Council to consider amendments to pertinent Codified Ordinances, including the Kirtland Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit retail dispensaries in the City.

**Section 3.** Council and the Mayor hereby direct and order that no permits for retail dispensaries of adult use marijuana shall be issued or processed by the City during the moratorium, except as may be required by the Act with respect to existing dispensaries of marijuana products for medical use, if any.

**Section 4.** The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of July 31, 2024, until changes are enacted to amend the Codified Ordinance of the City of Kirtland to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

**Section 5.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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.

**Section 6.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City specifically to address potential health and welfare concerns related to marijuana and any potential issues resulting from a dispensary. Therefore, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

ATTEST:

Approved by the Mayor, this \_\_\_ day  
of \_\_\_\_\_, 2023.

---

**Clerk of Council**  
Moratorium on Marijuana Dispensaries

---

**Mayor Kevin F. Potter**