

CITY OF KIRTLAND

ORDINANCE NUMBER 24-O-39

AN ORDINANCE AMENDING SECTION 624.17 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND REGARDING THE PROHIBITED ACTIVITIES RELATING TO MEDICAL AND RECREATIONAL MARIJUANA, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 16-O-42 was passed on November 21, 2016 establishing Kirtland Codified Ordinance §624.17 relating to the prohibited activities relating to medical marijuana; and

WHEREAS, through a voter initiated statute, the State of Ohio has legalized the use of recreational marijuana; and

WHEREAS, the City of Kirtland desires to modify said ordinance to regulate and broaden the prohibitions as contained therein to address the newly permitted recreational marijuana.

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

SECTION I: Codified Ordinance Section 624.17 is hereby amended to read as follows:

§ 624.17 PROHIBITED ACTIVITIES RELATING TO MEDICAL AND RECREATIONAL MARIJUANA.

The following prohibitions apply to all property within the boundaries of the City of Kirtland, regardless of the zone, adopted specific plan, overlay zone, or any other development or use classification or other designation of property:

(a) It is unlawful for any person to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical or recreational marijuana cultivation facility.

(b) It is unlawful for any person to engage in the processing of medical or recreational marijuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical or recreational marijuana processing facility.

(c) It is unlawful for any person to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical or recreational marijuana dispensary.

(d) It is unlawful for any person to deliver medical or recreational marijuana, or to allow, cause, create, suffer, or permit the delivery of medical or recreational marijuana, except that a patient or caregiver as registered by the State Board of Pharmacy under R.C. § 3796.08 may engage in all activities allowed pursuant to R.C. §§ 3796.22 and 3796.23.

(e) No zoning permit, building permit, certificate of occupancy or any other permit shall be granted to a business for opening, using any land or devoting any floor area of the business for the purposes of operating a medical or recreational marijuana cultivation facility, processing facility, or dispensary.

SECTION II: That the heretofore existing 624.17 of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage 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.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to appropriately regulate the cultivation, processing, and sales of all forms of marijuana in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance 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
_____, 2024.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2024.

Clerk of Council
Amend 624.17 – Include Recreational Marijuana

Mayor Kevin F. Potter