

ORDINANCE 2024-09
INTRODUCED BY: Mayor Bodnar

**AN EMERGENCY ORDINANCE
AMENDING CHAPTER 771 OF THE CODIFIED ORDINANCES
OF MAYFIELD VILLAGE, OHIO TO ADD A SECTION 771.02,
ADDRESSING THE RECENT PASSAGE OF STATE ISSUE 2,
TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF
ADULT USE CANNABIS WITHIN THE VILLAGE PURSUANT TO
THE AUTHORITY SET FORTH IN OHIO REVISED CODE 3780.25**

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacted new Ohio Revised Code Chapter 3780; and

WHEREAS, Ohio Revised Code Chapter 3780 authorizes and regulates recreational adult use cannabis operations in the State of Ohio; and

WHEREAS, more specifically, Ohio Revised Code Section 3780.25 authorizes a municipality to prohibit adult use cannabis operators within the corporate limits of the municipality; and

WHEREAS, the Council previously, pursuant to Mayfield Village Ordinance 2017-23, prohibited the cultivation, processing and retail dispensing of medical marijuana within the Village; and

WHEREAS, it is the desire of this Council to now also prohibit the commercial cultivation, processing or retail dispensing of adult use cannabis within the Village under the authority of Ohio Revised Section 3780.25 and finds that it is necessary and proper to do so to protect the health, safety and public welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. Chapter 771 of the Codified Ordinances of the Village is amended to add a new section 771.02 as is more fully set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.

SECTION 2. Any sections of the Village's Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village's Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the residents of Mayfield Village, Ohio, and for the reason that Chapter 3780 went into effect on December 7, 2023 and it is anticipated that operators will begin applying for and obtaining permits from the State for adult use cannabis operations immediately and forthwith. It shall, therefore, upon the passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor, or otherwise at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2024

Second Reading: _____, 2024

Third Reading: _____, 2024

PASSED: _____, 2024

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA,
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

771.02 PROHIBITION OF CULTIVATION, PROCESSING OR RETAIL DISPENSARIES OF ADULT USE CANNABIS

(a) The term “adult use cannabis operator” shall have the same meaning as in Section 3780.01(A)(2) of the Ohio Revised Code, effective December 7, 2023.

(b) The commercial cultivation, processing or retail distribution of adult use cannabis is hereby and herein prohibited in all zoning districts in the Village pursuant to the authority granted by Ohio Revised Code 3780.25.

(c) No person or entity licensed as an adult use cannabis operator under Section 3780 of the Ohio Revised Code shall open, establish, or operate any business or commercial enterprise of any kind within the corporate limits of the Village.

(d) No zoning clearance, permit, or other administrative approval shall be approved or issued by any administrative official of the Village, nor shall any variance be approved or granted to any person, entity or other applicant desiring or intending to operate a business or commercial enterprise as an adult use cannabis operator within the corporate limits of the Village.

(e) Any use or condition caused or permitted to exist in violation of any of the provisions of this Section 771.02 shall be and hereby is declared to be a public nuisance and may be abated by the Village.