

ORDINANCE NO. 12, 2022

AN ORDINANCE IMPOSING A MORATORIUM OF TWO YEARS ON THE ACCEPTING AND PROCESSING OF APPLICATIONS AND THE ISSUING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN THE VILLAGE OF ST. BERNARD, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, on June 8, 2016, Governor John Kasich signed Substitute House Bill 523 (“H.B. 523”), into law, whereby Ohio adopted a Medicinal Marijuana Control Program; and

WHEREAS, H.B. 523 created a program legalizing the cultivating, processing, and dispensing of medicinal marijuana to individuals with certain medical conditions with the recommendation of a physician licensed to practice medicine in the State of Ohio; and

WHEREAS, for the purposes of this Resolution, the definitions of “cultivating,” “processing,” and “retail dispensaries” are given the same definitions as those found in HB 523 and Chapter 3796 of the Ohio Revised Code, which Chapter became effective on September 9, 2016; and

WHEREAS, pursuant to the Home Rule Authority found in Article XVIII of the Ohio Constitution, the Charter of the Village of St. Bernard, and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, Ohio Revised Code § 3796.29 affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors, and/or retail dispensaries of medical marijuana within their corporation limits; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under federal law; and

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana; and

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash; and

WHEREAS, the presence of large amounts of cash invites opportunity for robbery, theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare; and

WHEREAS, excepting certain research related facilities, Ohio Revised Code § 3796.30 states, “no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be

may study the evolving laws and related issues and then determine whether to limit or entirely prohibit cultivators, processors, and/or retail dispensaries of medical marijuana in the Village, to protect the public interest and rights of property owners, and to prepare and adopt any necessary, related regulations. Therefore, this ordinance shall take effect immediately by and upon its passage, and the approval of two-thirds of the members of said Council. However, this ordinance shall take effect on the earliest date provided by law if approved by no more than the majority of the members of Council and in that event the emergency provisions herein are set at naught.

Passed this 28th day of April, 2022.

Steve Asbach
President of Council

ATTEST:
Carole Stegman
Clerk of Council

Approved this 28th day of April, 2022.

[Signature]
Mayor

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 12, 2022, was made by posting true copies of the same in the most public places designated by Council: City Hall, Vine Street and Washington Avenue; for a period of fifteen (15) days or more commencing April 28th, 2022.

ATTEST: Carole Stegman DATE April 28th 2022
Clerk of Council

Approved as to form [Signature] Date 28 April 2022
Director of Law

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