

ORDINANCE NO. 17-3564

**ORDINANCE ADOPTING A NEW CHAPTER 116 ENTITLED
“MEDICAL MARIJUANA” OF THE MUNICIPAL CODE OF
ORDINANCES AND DECLARING AN EMERGENCY**

WHEREAS, Sub. HB No. 523, passed by the 131st Ohio General Assembly and signed by Gov. Kasich, June 9, 2016, and effective September 8, 2016, authorized use of marijuana for medical purposes and established the medical marijuana control program; and

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution grants the powers of local self-government and home rule authority to enact a local prohibition of medical marijuana facilities as hereinafter provided; and

WHEREAS, Sub. HB No. 523 also enacted Ohio Revised Code Section 3796.29, which authorizes the legislative authority of a municipal corporation to adopt by ordinance restrictions including the prohibition of cultivators, processors, or retail dispensaries within said municipal corporation; and

WHEREAS, Village Council is sympathetic to testimony by medical marijuana proponents but is also concerned because it has no experience in regulating and governing such facilities; and

WHEREAS, the Village Council has determined it to be in the best interest of the community health, safety and welfare to prohibit any cultivation, processing or retail dispensing of marijuana for medical purposes in any form within the Village.

Be it ordained by the Council of the Village of Silverton, Ohio, not less than five (5) members thereof concurring,

SECTION I.

To add a chapter: “Chapter 116 entitled ‘MEDICAL MARIJUANA’ of the Municipal Code of Ordinances which is to be added to amends the Municipal Code of Ordinances, reads as follows:

**CHAPTER 116
MEDICAL MARIJUANA**

116.01 DEFINITIONS

“MARIJUANA”, “MEDICAL MARIJUANA”, “CULTIVATORS”, “PROCESSORS” AND “RETAIL DISPENSARIES” AS USED IN THIS CHAPTER SHALL HAVE THE SAME MEANINGS AS DEFINED OR DESCRIBED IN CHAPTER 3796 OF THE OHIO REVISED CODE.

116.02 PROHIBITION

CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES OF MEDICAL MARIJUANA, INCLUDING ALL CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA, WHETHER LICENSED UNDER CHAPTER 3796 OF THE OHIO REVISED CODE OR NOT, ARE PROHIBITED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF SILVERTON, OHIO.

116.99 PENALTY


ANY PERSON, FIRM OR CORPORATION WHO VIOLATES ANY PROVISION OF THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE. EACH DAY SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION II.

This Ordinance is declared to be an emergency measure necessary to preserve the public peace, health, safety and welfare of the citizens of the Village of Silverton; the reason for the emergency being the immediate need to prohibit the cultivation, processing, and retail dispensing of medical marijuana as permitted by Ohio Revised Code 3796.29. Accordingly, this Ordinance shall

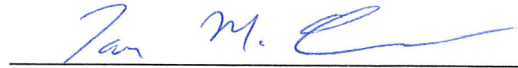
take effect and be in force from and after its passage and approval.

Passed this 24th day of August, 2017.



John A. Smith, Mayor

ATTEST:



Thomas M. Carroll, Village Manager

Approved as to form:

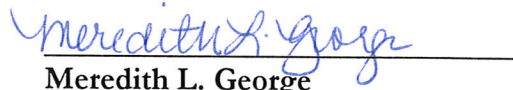


Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 17-3564 has been duly made by posting true copies in three (3) of the most public places in said municipality, as determined by Council as follows: 1) Parkview Lane at Railroad; 2) Silverton Municipal Building and 3) The Village of Silverton's Website. Said posting was for a period of fifteen days commencing

August 28, 2017.



Meredith L. George
Clerk of Council of Silverton, Ohio