

## **AGENDA**

Agenda, Bay Village City Council  
Committee Meeting  
Conference Room  
Paul A. Koomar, President of Council, Presiding

June 27, 2016  
**7:30 p.m.**

### **ANNOUNCEMENTS**

#### **Mayor Sutherland**

Reappointment of Penny Dolski to the Community Services Advisory Board for a three-year term expiring June 30, 2019

Reappointment of Jeff Foster to the Planning Commission for a five-year term ending August 29, 2021.

### **COMMITTEE OF THE WHOLE**

#### **ENVIRONMENT, SAFETY AND COMMUNITY SERVICES COMMITTEE-Vincent**

Medical Marijuana – Dispensaries/Cultivation

#### **FINANCE & CLAIMS COMMITTEE – Clark**

#### **PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE-Vincent**

#### **PUBLIC IMPROVEMENTS, STREETS/SEWERS/DRAINAGE COMMITTEE-Henderson**

#### **RECREATION & PARK IMPROVEMENT COMMITTEE-Mace**

#### **SERVICES, UTILITIES & EQUIPMENT COMMITTEE-Tadych**

#### **AUDIENCE**

#### **MISCELLANEOUS**

#### **CAHOON MEMORIAL PARK TRUSTEES**

**DRAFT 6-23-16**

ORDINANCE NO.  
INTRODUCED BY:

**AN ORDINANCE**  
**AMENDING CHAPTER \_\_\_\_\_ OF THE CODIFIED ORDINANCES BY**  
**ENACTING SECTION \_\_\_\_\_ PROHIBITING THE ESTABLISHMENT AND**  
**OPERATION OF MEDICAL MARIJUANA DISPENSARIES, THE INDOOR**  
**AND OUTDOOR CULTIVATION OF MEDICAL MARIJUANA,**  
**AND THE DELIVERY OF MARIJUANA**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village,  
Ohio:

**SECTION 1.** That Chapter \_\_\_\_\_ of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Section \_\_\_\_\_ which shall read as follows:

**WHEREAS**, on June 8, 2016 Ohio Governor John Kasich signed House Bill 523 into law after it passed the Ohio General Assembly; and

**WHEREAS**, House Bill 523 will become effective on September 8, 2016; and

**WHEREAS**, House Bill 523 provides for the regulation and legalization of medical marijuana within the State of Ohio; and

**WHEREAS**, House Bill 523 allows for the Department of Commerce to award licenses to medical marijuana cultivators, processors, and testing laboratories; and

**WHEREAS**, House Bill 523 allows for the State Board of Pharmacy to award licenses to medical marijuana dispensaries; and

**WHEREAS**, Section 3796.29 of House Bill 523 clarifies that Ohio municipal corporations may adopt ordinances prohibiting or limiting the number of medical marijuana cultivators, processors, and dispensaries within the limits of the municipal corporation; and

**WHEREAS**, the Bay Village City Council takes legislative notice that the use, possession, cultivation, distribution, and sale of marijuana, whether for medical or recreational use, remains illegal under the Controlled Substances Act, codified at 21 U.S.C. Section 841, and that federal courts have recognized that the federal government may enforce the Controlled Substances Act notwithstanding contrary laws of any State; and

**WHEREAS**, in light of the continuing conflict between state and federal law, the City of Bay Village must resolve for itself whether, as a land use matter, medical marijuana cultivators, dispensaries, and processors, as defined by House Bill 523, should be permitted, regulated, or prohibited; and

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**WHEREAS**, the Bay Village City Council finds and declares that it is necessary to retain local control over the regulation of commercial medical marijuana activities in order to protect the public health, safety, and welfare while it further considers whether future regulations may allow for the safe and responsible operation of medical marijuana cultivators, processors, and dispensaries within the City of Bay Village.

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3:** That this resolution shall be in full force and take effect at the earliest time permitted by law.

PASSED:

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR

6-23-16 LL