

RESOLUTION NO. 033-17R

A RESOLUTION REPEALING RESOLUTION NO. 038-16R PASSED ON AUGUST 22, 2016, THEREBY LIFTING THE TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, on June 8<sup>th</sup>, 2016 Governor John Kasich signed H.B. 523 into law making Ohio the 25<sup>th</sup> state to adopt a workable medical marijuana law; and

**WHEREAS**, this City Commission imposed a temporary moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Sandusky by Resolution No. 038-16R, passed on August 22, 2016; and

**WHEREAS**, H.B. 523 became effective September 8<sup>th</sup>, 2016 and the law's rules, policies, and procedures are currently in the processes of being drafted and implemented; and

**WHEREAS**, H.B. 523 created Ohio Revised Code Section 3796.29 which allows a municipal corporation to adopt legislation to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under the new law; and

**WHEREAS**, the City of Sandusky currently has no regulations that specifically address medical marijuana cultivators, processors, or retail dispensaries; and

**WHEREAS**, the Department of Community Development is requesting that the City Commission lift the temporary twelve (12) month moratorium on medical marijuana cultivation, processing, and retail dispensary facilities; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately repeal the temporary Moratorium on medical marijuana cultivation, processing, and retail dispensary facilities which will allow the City to present possible options to potential investors; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. That the City Commission of the City of Sandusky, Ohio, hereby repeals the Moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Sandusky, said repeal of the Moratorium includes the submission, consideration, or approval of all applications for special

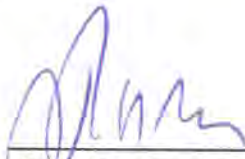
permits, use permits, building permits, any plans, or any other applications or permits which are or may be filed for permits from the Planning or Zoning Departments for the cultivating, processing, and retail dispensary of medical marijuana.

Section 2. That the repeal of the Moratorium shall become effective on the date that this Resolution, following its passage by the City Commission, and is signed by the President of the City Commission.


Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



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DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:   
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KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: June 12, 2017