

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2024- **45**

Introduced By: Mayor Matthew Castelli

**AN ORDINANCE
PROHIBITING ADULT-USE CANNABIS OPERATIONS, INCLUDING
CULTIVATORS, PROCESSORS AND DISPENSARIES IN THE CITY OF
MIDDLEBURG HEIGHTS PURSUANT TO CHAPTER 3780 OF THE OHIO
REVISED CODE
AND DECLARING AN EMERGENCY**

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, which legalized adult-use marijuana; and

WHEREAS, Ohio Revised Code Chapter 3780 Adult Use Cannabis Control, became effective on December 7, 2023; and

WHEREAS, Ohio Revised Code Section 3780.25 authorizes the legislative authority of a municipal corporation to prohibit or limit the number of cannabis operations within its jurisdiction; and

WHEREAS, the Council and the Mayor of the City of Middleburg Heights determine that adult-use marijuana operators, including cultivators, processors and dispensaries, do not promote and provide for the public peace, health, safety, convenience, comfort, prosperity and general welfare of its residents, and pursuant to the authority provided in O.R.C. 3780.25, the Council of the City of Middleburg Heights wishes to prohibit adult-use cannabis operators, including cultivators, processors and dispensaries within the City of Middleburg Heights.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That pursuant to the authority granted to the Council of the City of Middleburg Heights in Ohio Revised Code Section 3780.25, this Council hereby determines that it is necessary to prohibit all cannabis operations, including cultivation, processing, and dispensing within its jurisdiction under Ohio Revised Code Chapter 3780, within the City of Middleburg Heights.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, and welfare in the City and for the usual daily operation of the City for the further reason that the State has identified a date by which licenses will be available and it is important to ensure that residents, as well as adult-use marijuana operators are aware of said prohibition in the City. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 5/28/24

Dan Bortolotto
President of Council

Attest: M. Meola
Clerk of Council

Approved On: 5-29-24

Presented to Mayor: 5/29/24

Matthew Costello
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Zakel	<u>X</u>	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2024-45 adopted by the Council of the City of Middleburg Hts., on 5/28/24 was posted for a period of fifteen days, beginning 5/29/24 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2024-45 passed on the 28th day of May 2024 by said Council.

Mary Ann Meola
Clerk of Council