

RESOLUTION 2023-22
BY
MAYOR RAYMOND ARRIOLA

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM FOR TWELVE (12) MONTHS ON THE ACCEPTANCE, CONSIDERATION AND/OR GRANTING OF ANY ZONING, OCCUPANCY, OR OTHER PERMITS OR APPLICATIONS RELATING TO CULTIVATORS, PROCESSORS, OR RETAIL DISPENSARIES OF ADULT USE CANNABIS WITHIN THE MUNICIPALITY OF NEW LEBANON, OHIO.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Charter of the Municipality of New Lebanon, the Municipality has the power to enact laws that are for the health, safety, and welfare, of the citizens of New Lebanon, including zoning laws and business regulations; and

WHEREAS, the State of Ohio has recently passed Issue 2: An Act to Control and Regulate Adult Use Cannabis (the "Act"), which among other things, legalized the use of cannabis for adults; and

WHEREAS, the Act became effective on December 7, 2023 (the "Act's Effective Date"); and

WHEREAS, the Act establishes the Division of Cannabis Control within the Department of Commerce to license, regulate, and establish rules for adult use cannabis operators and laboratories, including rules relating to application and license permits for applicants for cannabis operators (the rules Division of Cannabis Control are hereinafter referred collectively as "the Regulations"); and

WHEREAS, the Act provides that within nine months of the Act's Effective Date, the Division of Cannabis Control is to establish the Regulations; and

WHEREAS, the Act also provides that municipalities may adopt an ordinance by majority vote to limit or prohibit the number of adult use cannabis operators within the municipal corporation, with certain limitations to be set forth by the Division of Cannabis Control; and

WHEREAS, the extent and provisions of the Regulations is currently unknown and will likely not be known for nine months from the Act's Effective Date; and

WHEREAS, upon review of the Act, it is not clear if a person/entity can establish a use within the Municipality on or after Act's Effective Date relating to the cultivation, processing, or retail dispensary of adult use cannabis within the Municipality after the effective date of the Act but prior to passage of the Regulations; and

WHEREAS, the Municipality of New Lebanon has an ordinance prohibiting the establishment of the operation of medical marijuana cultivation, processing, and retail dispensaries; and

WHEREAS, prior to considering regulations on adult use cannabis dispensaries, or other related facilities, Municipal Council desires to have a better knowledge of the applicable federal law, newly implemented state law, and future regulations and other issues generally associated with recreational use of cannabis that may impact the health, safety, and welfare of the citizens of New Lebanon; and

WHEREAS, a moratorium on certain matters relating to adult use cannabis dispensaries cultivation, processing facilities will allow the Municipality to know the Regulations the Division of Cannabis Control will establish, to more fully consider the issues prior to enacting any legislation; and

WHEREAS, given the time needed to fully review the current laws, trends, background, and issues that may be associated with adult use cannabis dispensaries, cultivation, processing and to propose, draft and present regulations, Municipal Council believes that twelve (12) months is a reasonable time to obtain the information it needs;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE MUNICIPALITY OF NEW LEBANON, MONTGOMERY COUNTY, OHIO THAT:

Section 1. A temporary moratorium on the consideration and/or granting of any applications for local licensing approval, and any zoning, occupancy, or other permits relating to cultivators, processors, or retail dispensaries of adult use cannabis within New Lebanon is imposed.

Section 2. The duration of the moratorium shall commence with the passage of this Resolution and shall end, unless shortened or extended by Council, twelve (12) months after the passage of this Resolution.

Section 3. Municipal Council recognizes that there are no existing requests for local licensing approval, and any zoning, occupancy, or other permits relating to cultivators, processors, or retail dispensaries of adult use cannabis within the Municipality of New Lebanon with any vested rights to establish a use covered by this moratorium.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. The effective date of this Resolution shall be from and after the earliest period by law:

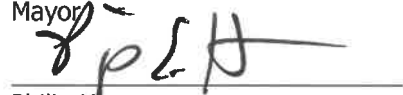
Passed this 19th day of December, 2023.

Approved:



Raymond Arriola
Mayor

Attest:



Philip Hinson
Chief Financial Officer

Effective Date: December 19, 2023

CERTIFICATION

I, Philip E. Hinson, Chief Financial Officer/Clerk of Council for the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Resolution 2023-22 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon.



Philip E. Hinson
CFO/Clerk of Council