

CITY OF HIGHLAND HEIGHTS
ORDINANCE NO. 2 - 2017

INTRODUCED BY: Mayor Scott E. Coleman and Council as a Whole

MOTION BY: Council Representative Edwin V. Hargate

SECONDED BY: Council Representative Ann M. D'Amico

AN ORDINANCE REVISING THE CITY OF HIGHLAND HEIGHTS CODIFIED ORDINANCES PART ELEVEN – PLANNING AND ZONING CODE CHAPTER 1121 BY ADDING REGULATIONS APPLYING TO ALL DISTRICTS TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MARIJUANA FOR THE PURPOSE OF MEDICAL USE IN ALL ZONING DISTRICTS OF THE CITY OF HIGHLAND HEIGHTS AND DECLARING AN EMERGENCY.

WHEREAS, Substitute HB No. 523, passed by the 131st Ohio General Assembly and thereupon signed by Governor Kasich on June 9, 2016, authorized the use of marijuana for medical purposes and established the medical marijuana control program; and

WHEREAS, the Act included the adoption of Ohio Revised Code Section 3796.29, which authorized the legislation of a municipal corporation to adopt by ordinance restrictions including the prohibition of cultivators, processors or retail dispensaries within said municipal corporation; and

WHEREAS, this City Council has determined it to be in the best interest of the City of Highland Heights health, safety and welfare to prohibit any cultivation, processing or retail dispensing of marijuana for medical purposes in any form within the City; and

WHEREAS, the Highland Heights Codified Ordinances Part Eleven Planning and Zoning Code Chapter 1121 Districts Established; Map shall be revised as provided herein by adding Section 1121.04, Regulations Applying to All Districts, consistent with legislative action.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HIGHLAND HEIGHTS, THAT:

Section 1. Cultivation, processing, or retail dispensing of marijuana for medical purposes is hereby specifically prohibited anywhere within the City of Highland Heights.

Section 2. The Highland Heights Codified Ordinances Part Eleven Planning and Zoning Code Chapter 1121 Districts Established; Map shall be revised by adding Section 1121.04 Regulations Applying to All Districts as follows:

PART ELEVEN – PLANNING AND ZONING CODE

CHAPTER 1121

DISTRICTS ESTABLISHED; MAP

1121.04 REGULATIONS APPLYING TO ALL DISTRICTS

The cultivation, processing or retail dispensing of marijuana for medical purposes is prohibited in all zoning districts of the City of Highland Heights.

Section 3. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare in that the prohibition of cultivation, processing or retail dispensing of marijuana for medical purposes must be legislatively prohibited as soon as possible since Substitute HB 523 has taken effect on September 9, 2016 and, provided it receives an affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Section 4. It is found and determined that all formal actions of the Council concerning and relating to 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 Section 121.22 of the Ohio Revised Code.

First Reading: 01/24/2017


President of Council


Second Reading: 02/14/2017

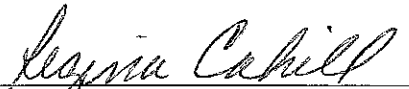
Filed with Mayor: 02/28/2017

Third Reading: 02/28/2017


APPROVED: 02/28/2017

PASSED: February 28, 2017


Mayor

ATTEST: 
Clerk of Council

EFFECTIVE: 03/01/2017

APPROVED AS TO FORM: 
Timothy G. Paluf, Director of Law