

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-08

**ESTABLISHING A 180 DAY MORATORIUM ON THE ESTABLISHMENT OR COMMENCEMENT OF
MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND/OR RETAIL DISPENSARIES WITHIN THE CITY
OF FRANKLIN**

WHEREAS, the Ohio General Assembly, by the passage of House Bill 523, has made medical marijuana legal in the State of Ohio;

WHEREAS, House Bill 523 establishes a Medical Marijuana Control Program, to be administered by the Ohio Department of Commerce and the State Board of Pharmacy, which agencies had to September 8, 2017, to issue any rules or guidelines on the Program; and

WHEREAS, the Ohio Medical Marijuana Control Program became operational on September 8, 2018; and

WHEREAS, this relatively new law and its regulatory scheme provides City Council with the authority to adopt regulations to prohibit or limit the number of retail dispensaries, and the location of cultivators, processors and dispensaries through zoning regulations; and

WHEREAS, at present, the City is undertaking a study to address blight issues within the City; and

WHEREAS, at present the City Manager is recently appointed and the positions of Chief of the Fire Division and Police Division are vacant, to be appointed with the hiring process underway; and

WHEREAS, the City has been and remains situated within a High Intensity Drug Trafficking Area, as identified by the United States Drug Enforcement Administration; and

WHEREAS, the City has been hard hit by the opioid epidemic, leaving many of its citizens and their families struggling with the life-long effects of drug addiction; and

WHEREAS, the City's Police and Fire Divisions continue to identify ways to address the City's otherwise challenging drug related criminal activity and the City also partners with the Warren County Drug Task Force to fight the war on drugs; and

WHEREAS, the City's nationally recognized Hope Program is assisting its citizens, one life and one family at a time, to break the cycle of addiction; and

WHEREAS, the City's Municipal Court, through its intensive supervised probation program, is successfully graduating participants who are recovering from addiction and returning to the work force, attaining sobriety and stability; and

WHEREAS, no retail dispensaries, cultivators, or processors are operating or have applied to operate within the City; and

WHEREAS, the City is in need of a moratorium at this time to receive completed study data, to receive input from leadership recently appointed and to be appointed, and to thoughtfully determine how the Program's rules and guidelines impact the City's current illegal drug related activity and associated challenges to determine the impact these types of medical marijuana businesses could have on the City and its vulnerable population and desires to maintain the status quo while doing so; and

WHEREAS, this Council finds it to be in the best interest of the health, safety, and general welfare of the citizens of Franklin to adopt a 180 day moratorium on the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries within the City of Franklin;

THE CITY OF FRANKLIN HEREBY ORDAINS, a majority of the members of the Council present concurring, that:

Section 1. In addition to the foregoing “Whereas” clauses, which are hereby ratified and incorporated as the legislative intent of this Ordinance, it is further the legislative intent of this Ordinance to establish a 180 day moratorium on the establishment or commencement of medical marijuana cultivators, processors and/or retail establishments within the City of Franklin. The purpose of this moratorium is to maintain the status quo while the City studies, conducts research, and receives input from newly appointed and to be appointed key leadership officials on the matter to determine what is in the City’s best interest and whether regulations are needed to regulate these types of uses for the purpose of protecting neighborhoods from negative secondary effects that may be created by such uses.

Section 2. For the purposes of this Ordinance, the following definitions shall apply:

(a) *Marijuana.* Marijuana shall mean “marihuana” as defined in ORC 3719.01.

(b) *Medical Marijuana.* Medical Marijuana shall mean marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.

(c) *Cultivator.* Cultivator means the holder of a current, valid, state-issued cultivator license who cultivates medical marijuana and/or delivers or sells medical marijuana to a licensed processor. (ORC 3796.18)

(d) *Processor.* Processor means the holder of a current, valid, state-issued processor license who obtains medical marijuana from one or more licensed cultivators for processing and/or delivers or sells processed medical marijuana to one or more licensed retail dispensaries. (ORC 3796.19)

(e) *Retail Dispensaries.* A Retail Dispensary means the holder of a current, valid, state-issued retail dispensary license who obtains medical marijuana from one or more processors and/or dispenses or sells medical marijuana in accordance with Ohio law. (ORC 3796.20)

Section 3. During the time of the moratorium imposed by this Ordinance no medical marijuana cultivators, processors and/or retail dispensaries shall be established or commence operations within the City of Franklin, nor shall any permits or approvals be issued by the Zoning and Building Division for such uses or for any similar uses during the time of the moratorium imposed by the Ordinance.

Section 4. A moratorium is hereby imposed upon the establishment or commencement of medical marijuana cultivators, processors and/or retail dispensaries or similar uses within the City of Franklin for a period of 180 days, ending December 13, 2021, unless ended earlier by action of the City Council. Said moratorium may also be reasonably extended by City Council, if necessary, by ordinance.

Section 5. Upon the conclusion of the blight study and after the appointment of the Chief of Fire and Police Divisions are made and after such time those new employees begin work for the City of Franklin, City Leadership is directed to research and study these types of uses and to recommend to Planning Commission and/or to this Council, as soon as is practicable, the extent and manner by which this Council should regulate these types of uses.

Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 7. This Ordinance shall go into effect June 16, 2021

INTRODUCED: May 3, 2021

ADOPTED: May 17, 2021

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

Approved as to form: 
Lynnette Dinkler, Law Director