

ORDINANCE NO. 03-2018

**TITLE: PROHIBITING MEDICAL MARIJUANA CULTIVATORS,
PROCESSORS AND RETAIL DISPENSARIES**

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF BARBERTON BY ADDING CHAPTER 876 TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES WITHIN THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.

WHEREAS, House Bill 523 became effective September 8, 2016 and provides for the legalization and regulation of medical marijuana within the State of Ohio; and

WHEREAS, Ohio Revised Code 3796.29 provides that the legislative authority of a municipal corporation may adopt an ordinance to limit or prohibit the number of medical marijuana cultivators, processors and dispensaries within the municipal corporation; and

WHEREAS, The City of Barberton deems it necessary for the residents of the City of Barberton, as a business regulation and land use matter to prohibit medical marijuana cultivators, processors and retail dispensaries within the City of Barberton, Ohio in accordance with the authority granted to it by Ohio Revised Code 3796.29; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. Council hereby amends the codified ordinances of the City of Barberton by adding Chapter 876 to prohibit the establishment and operation of Medical Marijuana cultivators, processors and retail dispensaries within the City of Barberton. The chapter should read:

**Chapter 876 – Medical Marijuana Cultivators, Processors and Retail
Dispensaries.**

876.01 Prohibition

Cultivators, processors or retail dispensaries of Medical Marijuana as defined and licensed under Chapter 3796 of the Ohio Revised Code, as it may be amended from time to time, shall be prohibited in all zoning districts and anywhere in the City of Barberton, except that the distribution of medical marijuana shall be permitted by a licensed pharmacy in the same manner as other prescription drugs are sold.

876.02 Exceptions

The prohibition set forth in section 876.01 above, shall not apply to licensed facilities involving research related to marijuana conducted at a state university, academic medical center, or by a private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity as provided in 3796.29 of the Ohio Revised Code.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its

committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the reasons to facilitate timeliness of this action, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2018

Clerk of Council

President of Council

Approved _____ 2018

Mayor