

# ORDINANCE RECORD

## COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. 5705

### AN ORDINANCE AMENDING SECTION 1189.01 OF THE PLANNING AND ZONING CODE BY ADDING SUBSECTION (O) TO PROHIBIT ADULT USE CANNABIS ACTIVITIES IN ALL USE DISTRICTS; AND DECLARING AN EMERGENCY

**WHEREAS**, pursuant to Article IV Section 12. of the City Charter, Council hereby initiates this ordinance and desires to submit it to the electors of the municipality at the next general election for approval by a fifty-five percent (55%) favorable vote as required by said charter provision; and

**WHEREAS**, pursuant to Ohio Revised Code Chapter 3780, the legislative authority of a municipal corporation may adopt an ordinance to prohibit, or limit the number of adult use cannabis operators permitted within the municipal corporation; and

**WHEREAS**, at its meeting on April 4, 2024, the Planning Commission, after its public hearing, reported and recommended to City Council, that Section 1189.01 be amended to prohibit adult use cannabis activities as hereinafter provided; and

**WHEREAS**, on April 16, 2024, the City Council, upon the report and recommendation of the Planning Commission, made a motion to amend Section 1189.01 of the Planning and Zoning Code to prohibit adult use cannabis activities as hereinafter provided.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** That Section 1189.01 be amended to read as follows:

“1189.01 PROHIBITIONS FOR ALL USE DISTRICTS.

The following uses are hereby prohibited in all use districts:

(a) through (n) \* \* \* \*( no change)

**(o) Cultivation, processing or dispensing adult use cannabis with the following definitions:**

- (1) **"Adult use cannabis" or "cannabis " or "marijuana" means marihuana as defined in section 3719.01 of the Revised Code.**
- (2) **"Adult use cannabis operator" means a level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary.**
- (3) **"Adult use dispensary" means a person licensed pursuant to section 3780.15 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to sell adult use cannabis as authorized.**
- (4) **"Adult use processor" means a person licensed pursuant section 3780.14 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to manufacture adult use cannabis as authorized.**



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- (5) "Cultivate" means to grow, harvest, package, and transport adult use cannabis pursuant to Chapter 3780 of the Revised Code.
- (6) "Dispensary" means a person who has a certificate of operation to operate a dispensary pursuant to section Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code.
- (7) "Level I adult use cultivator" mean either a person who has a certificate of operation as a level I cultivator and who is licensed pursuant to section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level I adult use cultivator pursuant to section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to one hundred thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control.
- (8) "Level II adult use cultivator" mean either a person who has a certificate of operation as a level II cultivator and who is licensed pursuant to section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, or a person who is licensed as a level II adult use cultivator pursuant to section 3780.12 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized, and either person may operate up to fifteen thousand square footage of space designated as the cultivation area in the application which may be increased if a request for expansion is approved by the division of cannabis control
- (9) "Level III adult use cultivator" means a person licensed pursuant section 3780.13 of the Revised Code, Chapter 3780 of the Revised Code and any rules promulgated thereunder to cultivate adult use cannabis as authorized.
- (10) "Processor" means a person who has been issued a processing certificate of operation pursuant to Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code."

**SECTION 2.** Pursuant to Article IV, Section 12. of the Brecksville City Charter, the Clerk of Council be and is hereby authorized and directed to certify a copy of this Ordinance to the Cuyahoga County Board of Elections with a request that same be placed on the November 5, 2024 General Election Ballot. The Clerk of Council be and is hereby further authorized and directed to advertise this election pursuant to the provisions contained in Article IV, Section 12. of the Brecksville City Charter.

**SECTION 3.** Unless specifically amended herein, Section 1189.01 as it existed prior to the effective date of this Ordinance shall remain in full force and effect.



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**SECTION 4.** The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is to prohibit adult cannabis activities, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.


First Reading: May 7, 2024

Second Reading: May 21, 2024

Third Reading: June 4, 2024

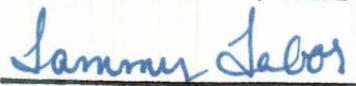
PASSED: June 4, 2024

APPROVED: June 4, 2024

  
MAYOR

  
CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5705 duly passed by the Council of the City of Brecksville, Ohio, on 6.4, 20 24 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 6.7, 20 24.

  
CLERK OF COUNCIL