

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2024- __

By: _____ Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

PROHIBITING ADULT-USE CANNABIS OPERATIONS, INCLUDING CULTIVATORS, PROCESSORS AND DISPENSARIES, IN THE CITY OF BEREA, PURSUANT TO CHAPTER 3780 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, which legalized adult-use marijuana; and

WHEREAS, Revised Code Chapter 3780 – Adult Use Cannabis Control, became effective on December 7, 2023; and

WHEREAS, Revised Code Section 3780.25 authorizes the legislative authority of a municipal corporation to prohibit or limit the number of cannabis operations within its jurisdiction; and

WHEREAS, in voting against legislation banning adult-use marijuana operations, the Council of the City of Berea clearly indicated their support, in general, for allowing some form of adult-use marijuana operations, including a dispensary, in the City of Berea; and

WHEREAS, due to the restrictive nature of the City's Zoning Code, the cultivation, processing and dispensing of adult-use cannabis is not a permitted use in any district; and

WHEREAS, additional legislation is required in order to designate the geographic area where such use would be permitted; and

WHEREAS, since the process of amending the Zoning Code could take up to five (5) months to be formally approved, the Council and the Administration has determined that it is in the best interests of the community to ban adult-use cannabis operations, including cultivating, processing and dispensing, until the effective date of legislation addressing the issues herein.

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

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2024- __

SECTION 1. That pursuant to the authority granted to the Council of the City of Berea in Revised Code Section 3780.25, this Council hereby determines that it is necessary to prohibit all cannabis operations, including cultivation, processing and dispensing, within its jurisdiction under Revised Code Chapter 3780, only until the effective date of legislation amending the Zoning Code to designate one or more areas where such operation(s) would be a permitted use.

SECTION 2. That it is found and determined 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 and of 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.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reasons set forth and defined in the preamble to this Ordinance. Therefore, provided that this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earlier period allowed by law.

PASSED: _____

President of Council

ATTEST: _____
Clerk of Council

APPROVED: _____

Mayor

APPROVED AS TO FORM:

Director of Law