

ORDINANCE 16-2024

AN ORDINANCE AMENDING SECTION 513 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW PHILADELPHIA TO ADD A NEW SECTION 513.18 TITLED “ADULT USE CANNABIS OPERATORS”; AND DECLARING AN EMERGENCY

WHEREAS, on November 7, 2023, voters in Ohio approved State Issue 2, which enacts new Chapter 3780 of the Ohio Revised Code, effective thirty days from the date of the election; and

WHEREAS, R.C. 3780 authorizes and regulates recreational adult use cannabis operators permitted under R.C. 3780 in the state of Ohio: and

WHEREAS, R.C. 3780.25 authorizes a city to prohibit adult use cannabis operators within the corporate limits of the city; and

WHEREAS, pursuant to R.C. 3780.01(A)(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; and

WHEREAS, Council finds that prohibiting adult use cannabis operators within the City of New Philadelphia is necessary and proper to protect the health, safety, welfare, comfort, and peace of the citizens of the City of New Philadelphia; and

WHEREAS, this Ordinance should be declared an emergency measure necessary for the immediate preservation of the health, safety, and public welfare of the City because the Chapter 3780 went into effect on December 7, 2023;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Philadelphia, Tuscarawas County, Ohio, as follows:

SECTION 1.

That Section 513 Codified Ordinances of the City of New Philadelphia shall be amended to provide new section 518 ADULT USE CANNABIS OPERATORS, to read as follows:

513.18 ADULT USE CANNABIS OPERATORS

(a) The term “adult use cannabis operator” shall have the same meaning as in Section 3780(A)(2) of the Ohio Revised Code, effective December 7, 2023.

(b) No person or entity licensed as an adult use cannabis operator under Section 3780 of the Ohio Revised Code shall open, establish, or operate any business or commercial enterprise of any kind within the corporate limits of the City.

(c) No zoning clearance, permit, or other administrative approval shall be approved or issued by any administrative official of the City, nor shall any variance be approved or granted, to

any person, entity or other applicant desiring or intending to operate a business or commercial enterprise as an adult use cannabis operator within the corporate limits of the City.

(d) Any use or condition caused or permitted to exist in violation of any of the provisions of this Section 1114.12 shall be and hereby is declared to be a public nuisance and may be abated by the City.

SECTION 2.

That this Ordinance be, and hereby is, declared to be an emergency measure, necessary for the immediate preservation of health, safety, and public welfare of the citizens of the City of New Philadelphia, and shall be in full force and effect from and immediately after its passage.

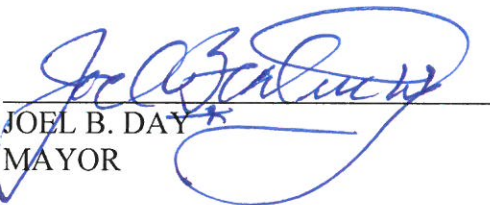
PASSED: April 22, 2024


DONALD C. KEMP
PRESIDENT OF COUNCIL

ATTEST:


JULIE COURTRIGHT
CLERK OF COUNCIL

APPROVED:


JOEL B. DAY
MAYOR

SPONSORED BY: ZONING AND ANNEXATION COMMITTEE