

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 p.m., on the 8<sup>th</sup> day of August, 2017, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Jeffrey F. Ritter, Greg Insko, Michael Inderhees

Mr. Shady Beer introduced the following resolution and moved its adoption:

RESOLUTION NO. 38 -17

**RESOLUTION IMPOSING EXTENSION OF ADDITIONAL ONE YEAR MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF MEDICAL MARIJUANA WITHIN COLERAIN TOWNSHIP, OHIO**

**WHEREAS**, at Resolution No. 41-16, the Colerain Township Board of Trustees imposed a one (1) year moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of medical marijuana within the township; and

**WHEREAS**, Resolution No. 41-16 of the Colerain Township Board of Trustees took effect upon August 9, 2016, and House Bill 523, which is the Bill approved by the General Assembly legalizing the cultivating, processing, and dispensing of medical marijuana in the State of Ohio, became effective on September 8, 2016; and

**WHEREAS**, for the purposes of this Resolution, the definitions of "cultivators," "processors," and "retail dispensaries" are given the same definitions as those found in Substitute House Bill 523 and Chapter 3796 of the Ohio Revised Code, which Chapter took effect September 8, 2016; and

**WHEREAS**, Ohio Revised Code Section 3796.29 authorizes a township board of trustees to limit the number of, or entirely prohibit, cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Section 3796.29 in the Colerain Township; and

**WHEREAS**, the rule-making processes at the state level and the effects of such changes are on-going as to the legalization of the cultivation, processing, and retail sales of medical marijuana and the nature of those new laws and implementation of such processes and their effects continue to evolve which currently adds a level of uncertainty as to the best manner in which the Township should proceed in regards to regulating such uses via zoning; and

**WHEREAS**, there is also an uncertain legal landscape which currently exists with respect to how federal authorities will enforce federal law in the future as it relates to medical marijuana in the State of Ohio and other states; and

**WHEREAS**, Resolution No. 41-16 of the Colerain Township Board of Trustees is set to expire on August 9, 2017, and that the Colerain Township Board of Trustees herein states its desire to extend the initial moratorium for an additional one (1) year period in order to continue to undertake a review of the new law and related issues and to have staff recommend resolutions to the Board regarding the cultivation, processing and retail dispensing of medical marijuana; and

**WHEREAS**, the Colerain Township Board of Trustees seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of medical marijuana; or, alternatively, to develop and implement regulations regarding the possible location and operation of medical marijuana-related businesses within Colerain Township, including medical marijuana-related businesses for retail dispensaries, cultivators, and processors; and

**WHEREAS**, Township staff will require additional time to review and make recommendations on zoning, prohibition and/or limitations of medical marijuana so that any necessary regulations conform to goals of the Colerain Township and help ensure the public peace, health, safety, and welfare of its citizens; and

**WHEREAS**, the extension of an additional one (1) year to the current moratorium of the granting or considering of permits for medical marijuana-related businesses in the Colerain Township will allow the Board of Trustees time to accomplish the Township's goals and help ensure the public peace, health, safety, and welfare of its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE COLERAIN TOWNSHIP BOARD OF TRUSTEES**, pursuant to Chapter 3796 of the Ohio Revised Code, \_\_ members elected thereto concurring:

1. The Board of Trustees hereby imposes an additional one (1) year extension on the moratorium put in place by Resolution No. 41-16 on the issuance and processing of permits requested by cultivators, processors, and retail dispensaries of medical marijuana and/or the issuance and processing of certificates for any building, structure, use or change of use that would enable the cultivation, processing or retail dispensing of medical marijuana-related businesses and uses in order so that Township staff may continue to study the new law, statutes, codes, resolutions, and the related issues and then determine whether to limit or entirely prohibit cultivators, processors, and retail dispensaries in the Colerain Township and to prepare any necessary, related regulations.

2. No certificates or permits of any kind shall be processed or issued to an applicant who intends to open, use any land or devote any floor area of a business for the purposes of cultivation, processing or retail dispensing of medical marijuana for the period of time of this moratorium. No valid existing business in the Township may expand in any way that would establish cultivation, processing or retail sale of medical marijuana for the duration of the moratorium.

3. The Board of Trustees seeks to limit the duration of the moratorium and to instruct the Township Administrator and Township staff to immediately undertake a review of the new

law and related issues; Township staff will then recommend new regulations regarding the cultivation, processing, and retail dispensing of medical marijuana.

4. The Board of Trustees hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical marijuana shall be issued or processed by Colerain Township during the extension of this one (1) year moratorium.

5. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

6. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of the Resolution upon its first reading.

7. This Resolution shall take effect on the earliest date permitted by law.

Mr. Insko seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

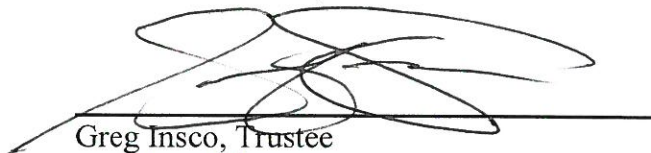
Vote Record: Mr. Ritter Aye, Mr. Insko Aye, Mr. Inderhees Aye

ADOPTED this 8th day of August, 2017.

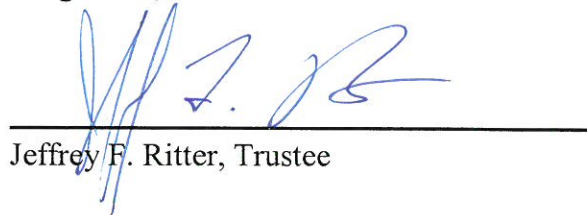
BOARD OF TRUSTEES:



Michael Inderhees, Trustee



Greg Insko, Trustee



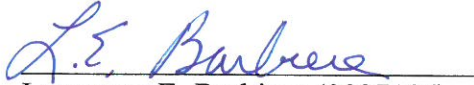
Jeffrey F. Ritter, Trustee

ATTEST:



Heather E. Harlow,  
Fiscal Officer

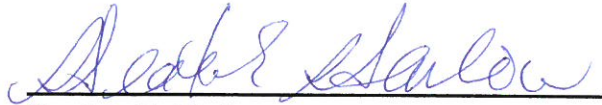
Resolution prepared by and approved as to form:



Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 8<sup>th</sup> day of August, 2017.



Heather E. Harlow,  
Colerain Township Fiscal Officer