

# Resolution 21-26

## RESOLUTION TO RESCIND ORDINANCE NO. 17-22

### A RESOLUTION TO RESCIND ORDINANCE TO RESCIND CHAPTER 1165: MEDICAL MARIJUANA OF NEW LEXINGTON ZONING CODE EMERGENCY DECLARARTION

WHEREAS, it has been four years since the Ohio General Assembly adopted H.B. 523 in 2017, which legalized certain forms of non-smoked medical marijuana recommended by doctors to qualifying patients suffering from certain state approved medical conditions under state law while preserving the power of municipalities to regulate, zone, and/or prohibit land uses related thereto; and

WHEREAS, the Council, like other municipalities around Ohio, enacted an ordinance in 2017 (Ordinance No. 17-22 – Chapter 1165 Medical Marijuana) to prohibit state licensed medical marijuana-related businesses (“Moratoriums”) and/or home occupations within all zoning districts of the Village of New Lexington due to concerns over such business and activity; and

WHEREAS, many municipalities that enacted similar Moratoriums have since rescinded said Moratoriums or let them expire, recognizing that there is a local public interest in the peace, health, safety and general welfare of the people of municipalities and that the concerns surrounding said state licensed medical marijuana businesses have not materialized and economic development opportunities arising from such businesses are being lost to other municipalities that did not enact such Moratoriums; and

WHEREAS, according to the Ohio Medical Marijuana Commission as of this date there are 456 residents in Perry County with an active medical marijuana card and one physician with a certificate to recommend (CTR) medical marijuana located in the county, but no medical marijuana related businesses; and

WHEREAS, the physician holding a CTR must confirm you have a qualifying condition to recommend the use of medical marijuana and that by law, patients with one of the following medical conditions may currently participate in Ohio’s medical marijuana program:

- AIDS
- Alzheimer’s disease
- Amyotrophic lateral sclerosis
- Cachexia [added by Board on 7/8/2020]
- Cancer
- Chronic traumatic encephalopathy
- Crohn’s disease
- Epilepsy or another seizure disorder
- Fibromyalgia
- Glaucoma
- Hepatitis C
- Inflammatory bowel disease
- Multiple sclerosis
- Pain that is either chronic and severe or intractable
- Parkinson’s disease
- Positive status for HIV
- Post-traumatic stress disorder
- Sickle cell anemia
- Spinal cord disease or injury
- Tourette syndrome
- Traumatic brain injury
- Ulcerative colitis

WHEREAS, if the Village does not rescind Ordinance No. 17-22 it will force it’s residents to seek treatment for such medical conditions either legally by having a physician with a CTR

recommend legal medical marijuana as treatment and permit a dispensary to establish a presence in the Village or it's residents may seek treatment from unregulated marijuana on the black market that does not address underlying health conditions and or is not state regulated against harmful substances and otherwise proliferates criminal activity; and

WHEREAS, the State of Ohio Board of Pharmacy is seeking applications for 75 additional medical marijuana dispensaries with a deadline of November 18, 2021 and the district in which the Village is located can be awarded one of those new medical marijuana dispensaries if the Village were no longer subject to the Moratorium; and

WHEREAS, Council finds that Ordinance 17-22 unnecessarily limits access to medical marijuana patients residing in Perry County or those traveling through the county and prevents regulated medical marijuana businesses from even applying to locate within the Village of New Lexington due to the ordinance,


NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW LEXINGTON, OHIO, THAT:

Ordinance 17-22 be hereby completely rescinded and repealed effective immediately.

Section 1. For the reasons set forth above, which are specifically incorporated herein, the Village Council is hereby rescinds and removes Chapter 1165, *Medical Marijuana*, of the New Lexington Zoning Code as part of the Codified Ordinances of the Village of New Lexington, Ohio:

Section 2: The Village Council declares this Ordinance as an emergency measure necessary for immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall take effect immediately.

PASSED ON: 11-15, 2021

  
COUNCIL PRESIDENT

APPROVED:

  
MAYOR

  
ATTEST: CLERK OF NEW LEXINGTON VILLAGE COUNCIL