

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE VILLAGE OF BREWSTER TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES WITHIN THE VILLAGE OF BREWSTER, OHIO.

WHEREAS, House Bill 523 became effective September 8, 2016 and provides for the regulation and legalization of medical marijuana within the State of Ohio.

WHEREAS, O.R.C. 3796.29, provides that the legislative authority of a municipal corporation may adopt an ordinance to prohibit, or limit the number of medical marijuana cultivators, processors, and dispensaries within the municipal corporation.

WHEREAS, the Village Council of the Village of Brewster, Ohio deems it necessary for the health, safety and welfare of the residents of the Village of Brewster, and as a land use matter, to prohibit Medical Marijuana cultivators, processors and retail dispensaries within the Village of Brewster, Ohio, pursuant to O.R.C. 3796.29.

NOW THEREFORE BE IT ORDAINED, BY THE COUNCIL OF THE VILLAGE OF BREWSTER, OHIO:

Section 1: That pursuant to O.R.C. 3796.29, as a land use matter, and for the health, safety and welfare of the residents of the Village of Brewster, medical marijuana cultivators, processors, and dispensaries, are hereby prohibited in all zoning districts and anywhere within the Village of Brewster, Ohio, except as noted in Section 2 of this ordinance.

Section 2: That the zoning ordinances of the Village of Brewster be amended by adding a category titled: " Medical Marijuana Cultivators, Processors and Retail Dispensaries" and shall be as follows:

MEDICAL MARIJUANA CULTIVATORS, PROCESSORS, & RETAIL DISPENSARIES

Section 153.320 PROHIBITION

Cultivators, Processors or retail dispensaries of medical marijuana as defined and licensed in Chapter 3796 of the Ohio Revised Code are prohibited in all districts and anywhere in the Village of Brewster, except that distribution of medical marijuana shall be permitted by a licensed pharmacy in the same manner as other prescription drugs are sold.

Section 153.321 - EXCEPTIONS

The prohibition set forth in 153.320 shall not apply to licensed facilities involving research related to marijuana conducted at a state university, academic medical center, or by a private research and development corporation as part of a research protocol approved by an institutional review board or equivalent entity as provided in 3796.29 or the Ohio Revised Code.

Section 3: That all actions taken by the Village Council relative to these matters were in an open meeting held in compliance with Ohio Revised Code Section 121.22 et. seq.

SECTION 4: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on March 20, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King

Brewster, Ohio