

**AN ORDINANCE DECLARING A MORATORIUM FOR A SIX MONTH PERIOD ON THE
ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CULTIVATORS,
PROCESSORS AND RETAIL DISPENSARIES WITHIN THE VILLAGE OF BREWSTER, OHIO,
AND DECLARING AN EMERGENCY**

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, the legislative authority of the Village of Brewster has the lawful authority to adopt zoning and business regulations that further the health and safety of its citizens and prohibit or limit certain business uses in the Village.

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, to take time to study the issue of whether 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 THAT:

Section 1: that a moratorium be imposed on the taking of any applications and/or granting of any permits, or certificates of occupancy for any building, structure, use or change of use, or expansion of use of any existing business that would enable in any way the establishment and operation in the Village Of Brewster of medical marijuana cultivators, processors, and dispensaries, in order to allow Village Council and the Village Planning Commission time to study the issue of whether to allow such establishments and operations within the Village or to prohibit them pursuant to O.R.C. 3796.29.

Section 2: that this moratorium shall continue for a period of six months from the date of passage of this ordinance or until changes are enacted to amend the ordinances of the Village to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever first occurs, and during said period the establishment and operation of medical marijuana cultivators, processors, and dispensaries, are hereby prohibited within the Village of Brewster, Ohio.

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 is declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reasons set forth herein since the law is now in effect in this State and immediate action is necessary to accomplish the purposes set forth in this ordinance, and shall be in full force and effect at the earliest date provided by law.

PASSED UNDER EMERGENCY on October 17, 2016

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 _____

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