ORDINANCE NO. 2018-54

AN ORDINANCE AMENDING PART ELEVEN, SECTIONS 1103.03 (DEFINITIONS), 1137.02(B) (USES), 1141.02(B) (USES), 1143.02(B) (USES), 1145.02(B) (USES), 1153.02(B) (USES), 1155.02(B) (USES) AND 1171.01 (REQUIREMENTS FOR CONDITIONALLY PERMITTED USES), OF THE KENT CODIFIED ORDINANCES TO INCLUDE LANGUAGE PERTAINING TO MEDICAL MARIJUANA; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Part Eleven, Sections 1103.03 (Definitions), 1137.02(B) (Uses), 1141.02(B) (Uses), 1143.02(B) (Uses), 1145.02(B) (Uses), 1153.02(B) (Uses), 1155.02(B) (Uses) and 1171.01 (Requirements for Conditionally Permitted Uses) of the Kent Codified Ordinances to include language pertaining to medical marijuana; and

WHEREAS, the changes are necessary to allow medical marijuana cultivators, dispensaries, processors and testing laboratories as a conditionally permit use within certain zoning districts of the City of Kent, Ohio.

NOW, THEREFORE, BE IT ORDEINED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. The Council does hereby accept the amendment to Part Eleven, Sections 1103.03 (Definitions), 1137.02(B) (Uses), 1141.02(B) (Uses), 1143.02(B) (Uses), 1145.02(B) (Uses), 1153.02(B) (Uses), 1155.02(B) (Uses) and 1171.01 (Requirements for Conditionally Permitted Uses) of the Kent Codified Ordinances as shown on Exhibit "A", to include language pertaining to medical marijuana, attached hereto and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: April 18, 2018

Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: April 18, 2018

Date

ATTEST: Tara Grimm, CMC

Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. __________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ______________________, 20__________.

(SEAL)

TARA GRIMM, CMC
CLERK OF COUNCIL
EXHIBIT “A”

CHAPTER 1103 – SECTION 1103.03 - DEFINITIONS

Language added:

Community Addiction Service Provider: An agency, association, corporation, individual, or program that provides one or more of the following:

A. Alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Ohio Revised Code;
B. Gambling addiction services;
C. Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

Marijuana: See definitions in Ohio Administrative Code (OAC) 3796.

Marijuana, Cultivator (aka Medical Marijuana Cultivator): An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana.

Level I: A cultivator that is permitted to operate up to twenty-five thousand square footage of space designated as the marijuana cultivation area in the application, unless a request for expansion is approved by the director of the department under rule 3796:2-1-09 of the Ohio Administrative Code.

Level II: A cultivator that is permitted to operate up to three thousand square footage of space designated as the marijuana cultivation area in the application, unless a request for expansion is approved by the director of the department under rule 3796:2-1-09 of the Administrative Code.

Marijuana, Dispensary Department (aka Medical Marijuana Dispensary Department): A building, room or other area under the control of a dispensary and upon the licensed premises with access limited to patients, caregivers, dispensary employees or service professionals conducting business with the dispensary and who are escorted and supervised by a dispensary employee, and other persons authorized by section 3796.05 of the Revised Code and this division.
Marijuana, Dispensary District (aka Medical Marijuana Dispensary District): A geographic region, established by the state board of pharmacy, in accordance with division (B)(3) of section 3796.05 of the Ohio Revised Code (ORC).

Marijuana, Dispensary Key Employee (aka Medical Marijuana Dispensary Key Employee): An administrator or other person responsible for the daily operation of a licensed dispensary.

Marijuana Facility (aka Medical Marijuana Facility): A commercial use or structure where marijuana is cultivated, processed, tested, or dispensed as regulated by the State of Ohio, Ohio Administrative Code (OAC) Section 3796.

Marijuana, Medical (aka Medical Marijuana): Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose in accordance with Ohio Administrative Code (OAC) section 3796.

Marijuana, Processor (aka Medical Marijuana Processor): An entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.

Marijuana, Restricted Access Area (aka Medical Marijuana Restricted Access Area): A building, room or other contiguous area under control of a dispensary and upon the licensed premises with access limited to only dispensary employees, where medical marijuana inventory, all records related to the dispensing of medical marijuana and all other items that require the personal supervision of a dispensary key employee are maintained behind a physical barrier with suitable locks and an electronic barrier to detect entry during any time when a dispensary key employee is not present.

Marijuana, Testing Laboratory (aka Medical Marijuana Testing Laboratory): An independent laboratory that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

CHAPTER 1137 – SECTION 1137.02(B) – USES

Language added:

20. Medical Marijuana, Dispensary subject to Section 1171.01(5), (17), (26), (27), (57), (58), (59), (60) and (61).
CHAPTER 1141 – SECTION 1141.02(B) – USES

Language added:

(25) Medical Marijuana, Cultivator Level II subject to Section 1171.01 (5), (11), (16), (17), (26), (27), (57), (58), (59), and (60).

(26) Medical Marijuana, Testing Laboratory subject to Section 1171.01(5), (8), (17), (26), (27), (57), (58), (59), and (60).

(27) Medical Marijuana, Dispensary subject to Section 1171.01(5), (17), (26), (27), (57), (58), (59), (60), and (61).

CHAPTER 1143 – SECTION 1143.02(B) – USES

Language added:

(3) Medical Marijuana, Testing Laboratory subject to Section 1171.01(5), (8), (17), (26), (27), (57), (58), (59), and (60).

(4) Medical Marijuana, Dispensary subject to Section 1171.01(5), (17), (26), (27), (57), (58), (59), (60), and (61).

CHAPTER 1145 – SECTION 1145.02(B) – USES

Language added:

(24) Medical Marijuana, Testing Laboratory subject to Section 1171.01(5), (8), (17), (26), (27), (57), (58), (59), and (60).

(25) Medical Marijuana, Dispensary subject to Section 1171.01(5), (17), (26), (27), (57), (58), (59), (60), and (61).

CHAPTER 1153 – SECTION 1153.02(B) – USES

Language added:

(9) Medical Marijuana, Testing Laboratory subject to Section 1171.01(5), (8), (17), (26), (27), (57), (58), (59), and (60).
CHAPTER 1155 – SECTION 1155.02(B) – USES

Language added:

(13) Medical Marijuana, Cultivator Level I and Level II subject to Section 1171.01(5), (11), (16), (17), (26), (27), (57), (58), (59), and (60).

(14) Medical Marijuana, Processor subject to Section 1171.01(5), (11), (16), (17), (26), (39), (57), (58), (59), and (60).

(15) Medical Marijuana, Testing Laboratory subject to Section 1171.01(5), (8), (17), (26), (27), (57), (58), (59), and (60).

CHAPTER 1171 – SECTION 1171.01 – REQUIREMENTS FOR CONDITIONALLY PERMITTED USES

Language added:

(59) Every medical marijuana facility shall comply with all licensing requirements of the Ohio Administrative Code (OAC) Section 3796. Such facilities shall operate in compliance with every State law and City ordinance.

(60) Medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall not be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. This does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(61) Medical Marijuana Dispensary shall not be located within five hundred feet of a community addiction services provider.