

VILLAGE OF PAYNE
ORDINANCE NO. 2024-8

AN ORDINANCE AMENDING ORDINANCE NO. 2017-4 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF PAYNE REGARDING THE PROHIBITED ACTIVITIES RELATING TO MEDICAL AND RECREATIONAL MARIJUANA.

WHEREAS, Ordinance No. 2017-4 was passed on May 8, 2017, establishing the Village of Payne Codified Ordinance relating to the prohibited activities relating to medical marijuana; and

WHEREAS, through a voter-initiated statute, the State of Ohio has legalized the use of recreational marijuana; and

WHEREAS, the Village of Payne desires to modify said ordinance to regulate and broaden the prohibitions as contained there to address the newly permitted recreational marijuana.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Payne, County of Paulding, State of Ohio, that:

SECTION I: Codified Ordinance No. 2017-4, Section II, is hereby amended to read as follows:

PROHIBITED ACTIVITIES RELATING TO MEDICAL AND RECREATIONAL MARIJUANA

The following prohibitions apply to all property within the boundaries of the Village of Payne, regardless of the zone, adopted specific plan, overlay zone, or any other development or use classification or other designation of property:

- (a) It is unlawful for any person to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical or recreational marijuana cultivation facility.
- (b) It is unlawful for any person to engage in the processing of medical or recreational marijuana or to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical or recreational marijuana processing facility.
- (c) It is unlawful for any person to establish or operate, or to allow, cause, create, suffer, or permit the establishment or operation of a medical or recreational marijuana dispensary.
- (d) It is unlawful for any person to deliver medical or recreational marijuana, or to allow, cause, create, suffer, or permit the delivery of medical or recreational marijuana, except that a patient or caregiver as registered by the State Board of Pharmacy under R.C. § 3796.08 may engage in all activities allowed pursuant to R.C. §§ 3796.22 and 3796.23.
- (e) No zoning permit, building permit, certificate of occupancy or any other permit shall be granted to a business for opening, using any land or devoting any floor area of the

business for the purposes of operating a medical or recreational marijuana cultivation facility, processing facility, or dispensary.

SECTION II: That the heretofore existing Section II of Ordinance No. 2017-4 of the Village of Payne, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III:

- (a) It is found and determined that all formal actions of this Council concerning and relating to the passage 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 including Section 121.22 of the Ohio Revised Code.
- (b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the Village, and for the further reason to appropriately regulate the cultivation, processing, and sales of all forms of marijuana in the Village; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

1st reading: 7-22, 2024 4-0

1 ABSTAIN JENNIFER ZARTMAN
1 ABSENT ALLEN NEBLER

2nd reading: 8-12, 2024 4-0

1 ABSTAIN JENNIFER ZARTMAN
ANNETTE DANNER ACTING MAYOR IN LORA LYONS' ABSENCE.

3rd reading: 8-26, 2024 4-0

1 ABSENT JENNIFER ZARTMAN
ANNETTE DANNER ACTING MAYOR IN LORA LYONS' ABSENCE

Passed: 8-26, 2024

Annette M Danner
~~Lora Lyons, Mayor~~

ANNETTE DANNER ACTING MAYOR

Attest:

Rhonda Stabler
Rhonda Stabler, Fiscal Officer