

Special Meeting Summary August 12, 2024

<u>Bill</u>	<u>Status</u>	<u>Title</u>	<u>Sponsor</u>
COUNCIL BEGINS			
24-125		Repealing Chapter 769 of the Mansfield Codified Ordinances of 1997 concerning prohibiting medical marijuana cultivation, processing, and retail distribution within the City of Mansfield.	Mount
24-126		Repealing Section 1167.15 of the Mansfield Codified Ordinances of 1997 concerning prohibiting medical marijuana cultivation, processing, and retail distribution within all zoning districts of the City of Mansfield.	Mount
24-157		Enacting Chapter 771, "Cannabis Facilities" of the Mansfield Codified Ordinances of 1997, which defines the process for applying for and obtaining a business license for a Cannabis Facility (as defined by ORC 3780 or ORC 3796) in the City of Mansfield and declaring an emergency.	Mount
24-158		Enacting Chapter 1190, "Cannabis Facilities," of the Mansfield Codified Ordinances of 1997, establishes appropriate locations and reasonable restrictions for a Cannabis Facility in the City of Mansfield, and declaring an emergency.	Mount

NEXT MEETING Tuesday, August 20, 2024 7:00 Council to follow

BY: MS. MOUNT

Repealing Chapter 769 of the Mansfield Codified Ordinances of 1997 concerning prohibiting medical marijuana cultivation, processing, and retail distribution within the City of Mansfield.

WHEREAS, Chapter 769 was enacted Nov 7, 2017, by Ordinance # 17-195 and prohibited medical marijuana cultivation, processing, and retail distribution within the City of Mansfield.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That Chapter 769 of the Mansfield Codified Ordinances of 1997, as amended, be, and the same is hereby, amended to read as follows:

769.01 DEFINITIONS.

~~(a) "Academic medical center" has the same meaning as in Section 4731.297 of the Ohio Revised Code.~~

~~(b) "Marijuana" has the same meaning as marihuana as defined in Section 3719.01 of the Ohio Revised Code.~~

~~(c) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for medical purposes.~~

~~(d) "State university" has the same meaning as in Section 3345.011 of the Ohio Revised Code.~~

769.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.

~~(a) The cultivation, processing, or retail dispensing of medical marijuana within the City of Mansfield is hereby prohibited.~~

~~(b) This section does not prohibit 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, if otherwise permitted by State law or rule, or local ordinance.~~

769.99 PENALTY.

~~Whoever violates Section 769.02 (a) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.~~

BY: MS. MOUNT

Repealing Section 1167.15 of the Mansfield Codified Ordinances of 1997 concerning prohibiting medical marijuana cultivation, processing, and retail distribution within all zoning districts of the City of Mansfield.

WHEREAS, Section 1167.15 was enacted Nov 7, 2017, by Ordinance # 17-196 and prohibited medical marijuana cultivation, processing, and retail distribution within all zoning districts of the City of Mansfield.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That Section 1167.15 of the Mansfield Codified Ordinances of 1997, as amended, be, and the same is hereby, amended to read as follows:

~~1167.15 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED IN ALL DISTRICTS.~~

~~(a) The cultivation, processing, or retail dispensing of medical marijuana shall be prohibited use in all zoning districts within the City of Mansfield.~~

~~(b) Use of property in violation of this Section shall constitute a nuisance.~~

~~(c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.~~

SECTION 2. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>16 July 2024</u>
1 st Reading	<u>6 Aug 2024</u>
2 nd Reading	<u>12 Aug 2024</u>
PASSED	<u>12 Aug 2024</u>

SIGNED /s/ Phillip E. Scott
President of Council

ATTEST /s/ Laconia Ross
Assistant Clerk of Council

APPROVED /s/ Jodie Perry
Mayor

APPROVED AS TO FORM: Roeliff E. Harper
Law Director
City of Mansfield, Ohio

* Publication Required

BY: MS MOUNT

Enacting Chapter 771, “Cannabis Facilities” of the Mansfield Codified Ordinances of 1997, which defines the process for applying for and obtaining a business license for a Cannabis Facility (as defined by ORC 3780 or ORC 3796) in the City of Mansfield and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Chapter 771 (Cannabis Facilities) of the Mansfield Codified Ordinances of 1997 be, and the same is hereby amended to read as follows:

771.01 LICENSE APPLICATION

- (a) An application for a local provisional license shall be made to the Permitting and Development Department on a special form provided for this purpose.
- (b) Data Required with Application:
 - 1. Legal name of applicant;
 - 2. The type of business organization of the applicant;
 - 3. Confirmation that the applicant is registered with the Ohio Secretary of State and in good standing;
 - 4. The mailing address, email address, and phone number of the individual applicant or designated representative of an entity applicant;
 - 5. A non-refundable local provisional application fee of One Thousand Dollars \$1,000;
 - 6. Site Zoning Approval from the City of Mansfield, Permitting and Development Department, and
 - 7. Any other information required by the Director of the Permitting and Development Department, the Safety-Service Director, or the Mayor of the City of Mansfield.
- (c) The Director of the Permitting and Development Department shall approve or deny the issuance of a local provisional license within 30 days of receiving a completed application.

771.02 ISSUANCE OF LOCAL PROVISIONAL AND OPERATING LICENSES.

- (a) A local provisional license shall expire one year from the date of issuance. A holder of a local provisional license may apply for a local operating license only while the local provisional license is valid. If a local provisional license has expired, the entity shall apply for a new local provisional license prior to submitting an application for a local operating license.
- (b) The City of Mansfield may issue a maximum of four (4) Operational Licenses.
- (c) An application for a local operating license shall be made to the Permitting and Development Department and shall include:
1. A copy of the provisional license application by the entity to the Ohio Department of Commerce, Division of Cannabis Control, pursuant to ORC Chapter 3796;
 2. A copy of the provisional license granted by the Ohio Department of Commerce, Division of Cannabis Control, pursuant to ORC Chapter 3796 at the address at which the facility is to be located;
 3. A non-refundable Operating License Application fee of Two Thousand Dollars \$2,000 and
 4. Any other information requested by the Director of the Permitting and Development Department, the Safety-Service Director, or the Mayor of the City of Mansfield.
- (d) A Cannabis Dispensary Operating License, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed dispensary. All Adult-Use Cannabis Dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.
- (e) The Director of the Permitting and Development Department shall advise the applicant in writing of the reasons for any license denial.
- (f) Both the local provisional licenses and the local operating licenses are valid only at the address listed in the initial local provisional license application.
- (g) Every local operating license issued by the City of Mansfield shall expire one year after the date on which it was issued.
- (h) As part of the submission of an application that results in the issuance of a local provisional license or local operating license, the license holder consents to an inspection without notice by the City

of Mansfield Building Official or the Mansfield Police Chief or representative that is deemed necessary and may:

1. Enter any area in the facility or on the premises;
2. Survey the premises and any off-site facilities;
3. Request access to locked areas in the facility, and
4. Inspect facility vehicles.

(i) If an entity is subject to any enforcement action by the State of Ohio at any time, it shall immediately notify the Permitting and Development Department and provide any relevant information or documentation requested by the City of Mansfield.

(j) If, at any time, the City becomes aware that an entity possessing a local provisional license or local operating license has engaged or is engaged in any act or practice prohibited by this Chapter, ORC Chapter 3780, ORC Chapter 3796, Chapter 3796 of the Ohio Administration Code, or any other local, State, or Federal law, the Safety-Service Director may do any of the following:

1. Refer Such violations to the Ohio Department of Commerce, Division of Cannabis Control;
2. Issue a warning to the Cannabis Facility, which may include possible corrective action(s);
3. Suspend the license and require any violation to be resolved and corrective actions to be taken as conditions to the reinstatement of the suspended license;
4. Revoke the License.

771.03 SUSPENSION AND REVOCATION OF LOCAL OPERATING LICENSE

(a) Cannabis Dispensary Local Operating Licenses shall be suspended or revoked as described in this section. Prior to the suspension or revocation of a local operating license, a hearing shall be held by the Safety-Service Director and any other designated representative of the City of Mansfield. Such hearing shall be held within 30 days after notice of the hearing is given to the licensee by regular and certified mail. The licensee shall have the right to appear at such hearing, and then the Safety-Service Director shall issue a decision to suspend or revoke the license within five (5) business days following the hearing.

(b) If the Safety-Service Director finds clear and convincing evidence that the licensee's operation presents a danger of immediate and serious harm to others, the Safety-Service Director may suspend the license without a hearing. Notice of the suspension shall be given by personal service or posting at the premises and by regular and certified mail. The notice shall also state that a hearing shall be held and

shall indicate the time and place of said hearing, which shall be not more than five (5) business days following the suspension.

(c) If a Cannabis Dispensary's local provisional license or local operating license is revoked, the entity shall coordinate with the City of Mansfield and the Ohio Department of Commerce, Division of Cannabis Control, in closing the facility as provided for in the Ohio Administrative Code.

(d) The Safety-Service Director shall have the authority to deny any application for a local provisional license, local operating license, license renewal, or a location change at his or her discretion, pursuant to the criteria of this chapter.

771.04 RENEWING OPERATING LICENSES

(a) A renewal application shall be submitted to the Director of Permitting and Development Department of the City of Mansfield at least ninety (90) days prior to the expiration date of the local operating license. The renewal application shall include:

1. Confirmation that the Adult-Use Cannabis Dispensary is conforming to all requirements under this chapter, ORC Chapter 3780, ORC Chapter 3796, and Chapter 3796 of the Ohio Administrative Code;
2. A copy of the valid certificate of operation issued by the Ohio Department of Commerce, Division of Cannabis Control for the current address;
3. A non-refundable Renewal Application fee of Two Thousand Dollars (\$2,000)
4. Any other information requested by the Director of the Permitting and Development Department, the Safety-Service Director, or the Mayor of the City of Mansfield.

771.05 OPERATING LICENSE CHANGE OF LOCATION

(a) A Cannabis Dispensary that has obtained a local operating license may submit an application for a location change to the Director of the Permitting and Development Department. The Location Change Application shall include:

1. Confirmation that the Cannabis Dispensary is conforming to all requirements under this chapter, ORC Chapter 3796, ORC Chapter 3780, and Chapter 3796 of the Ohio Administrative Code, as applicable;
2. A copy of the valid certificate of operation issued by the Ohio Department of Commerce, Division of Cannabis Control for the current address;

BY: MS MOUNT

Enacting Chapter 1190, "Cannabis Facilities," of the Mansfield Codified Ordinances of 1997, establishes appropriate locations and reasonable restrictions for a Cannabis Facility in the City of Mansfield, and declaring an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Chapter 1190 (Cannabis Facilities) of the Mansfield Codified Ordinances of 1997, be, and the same is hereby, amended to read as follows:

1190.01 PURPOSE.

(a) It is the intent of this section to establish appropriate locations and reasonable restrictions for Cannabis Facilities as allowed by Ohio law and overseen by the Ohio Division of Cannabis Control.

(b) It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to Cannabis Facilities to districts that are compatible with such uses and by imposing reasonable restrictions.

1190.02 DEFINITIONS.

The following words and phrases shall have the following definitions when used in this section.

(a) "Adult-Use Cannabis " or "cannabis " or "marijuana" means marihuana as defined in section 3719.01 of the Revised Code.

(b) "Advertising" means any written or verbal statement, illustration, or depiction created to induce sales through the use of or a combination of letters, pictures, objects, lighting effects, illustrations, videos, sounds, or other similar means. "Advertisement" includes brochures, promotional, and other marketing materials as regulated by section 3780.21 of the Revised Code.

(c) "Building Official" shall mean a building official from the City of Mansfield, Permitting and Development Department.

(d) "Cannabis Facility" means a facility licensed under Chapters 3796 or 3780 of the Revised Code to operate as a cannabis cultivator, processor or retail dispensary.

(e) "Dispensary" means a facility licensed to sell cannabis under Chapters 3796 or 3780 of the Revised Code.

(f) "Local Operating License" means a license issued by the City of Mansfield to a Cannabis Facility. Cannabis Facilities may not operate within the City of Mansfield without a valid local operating license.

(g) "Local Provisional License" means a temporary license issued by the City of Mansfield to a Cannabis Facility that establishes conditions that must be met by the entity before a local operating license is issued to it.

(h) "Prohibited facility" means any church, public library, public playground, public park, or school, as defined in section 3796.30 of the Revised Code.

(i) "Site Zoning Approval" Approval given by the City of Mansfield to a Cannabis facility after all proper documents are submitted with the application.

1190.03 CANNABIS DISPENSARIES

No Cannabis Dispensary shall operate in the City of Mansfield unless the entity obtains local site zoning approval, a provisional license, and an operating license. The City of Mansfield may issue a maximum of four (4) Operating Licenses. Cannabis Dispensaries may be located in the City of Mansfield only in accordance with the following restrictions:

(a) Cannabis Dispensaries shall only be located in the B-2 General Business District as set forth in Section 1167.06 of the City of Mansfield Codified Ordinances.

(b) Site locations used for Cannabis dispensaries shall require a Site Zoning Approval, a Provisional License, and an Operating License issued by the Permitting and Development Department.

(c) Site locations should be a stand-alone structure and NOT be a mixed-use location.

(d) Site locations shall have a usable floor area NOT exceeding 10,000 square feet.

(e) No Cannabis Dispensary facility shall be located within 500 feet of a parcel on which a Prohibited Facility is located.

(e) No Cannabis Dispensary shall be located within a one (1) mile radius of another legally operating Cannabis dispensary.

(f) Cannabis Dispensaries shall comply with all other regulations of the B-2 General Business District Chapter 1167, all other retail regulations, and all pertinent regulations of the Ohio Building Code, Ohio Revised Code, and Ohio Administrative Code.

1190.04 SITE ZONING APPROVAL

(a) Site Zoning Approval must be completed prior to application for local provisional or operating license.

(b) Data Required with Site Zoning Application: A site plan, plot plan, or development plan of the entire property drawn at a scale of 1":20', and showing the location of all abutting streets, the location of all existing and proposed parking, landscaping, lot dimensions, and points of ingress and egress.

(c) Submit a security plan for review and approval by the Chief of Police. The security plan shall be on a form or in a manner prescribed by the Chief of Police and shall include, at a minimum, a lighting plan that identifies how the interior, façade, adjoining sidewalks, parking areas, and immediate surrounding area of the dispensary will be illuminated and how the lighting will deflect the light away from adjacent properties; and identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and the proposed use of armed security guards, video surveillance, and door, building, and parking lot security as appropriate. The applicant shall supply all additional information requested by the Police Chief necessary for proper review of the security plan.

(d) The Zoning Administrator shall complete a site plan review before the Permitting and Development Department issues a site zoning approval.

(e) Revocation of the Site Zoning Approval. The breach of any safeguard, condition, or requirement of the Ordinance, or Zoning Administrator shall constitute a violation of the Ordinance, and the Zoning Administrator and/or the Director of the Permitting and Development Department may revoke such approval.

1190.05 Dispensary Premises – General Provisions

(a) All Dispensary Facilities must comply with the following:

1. Lighting restrictions are known as “dark sky compliant.”
2. Muted colors.
3. All outside storage areas shall be screened from adjacent residential and business uses by an obscuring fence or greenbelt in accordance with Sections 1175.04 and 1175.05 of the Mansfield Codified Ordinances.
4. Dispensaries' Hours of Operation are limited to the hours of 9 a.m. ET to 9 p.m. ET
5. Dispensary facilities shall conduct all activities indoors. Drive-ins and Drive-throughs shall be prohibited.

