**ORDINANCE NO. 5-2024**

**AMENDING AND SUPPLEMENTING THE GENERAL CODE OF THE VILLAGE OF FAIRFAX, OHIO, WHICH PROHIBITS THE CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MARIJUANA FOR MEDICAL PURPOSES IN THE VILLAGE OF FAIRFAX, ALSO TO PROHIBIT ADULT USE CANNABIS OPERATORS IN THE VILLAGE OF FAIRFAX**

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants the powers of local self-government and home rule authority to enact a local prohibition of the cultivation, processing, and retail dispensing of medical marijuana or adult use cannabis operators; and

WHEREAS, the Council (“Council”) of the Village of Fairfax, Ohio (“Village”) previously adopted Ordinance No. 15-2017 pursuant to its home rule power and the authority granted by R.C. 3796.29, which specifically authorizes the legislative authority of a municipal corporation to adopt by ordinance restrictions on medical marijuana, including the prohibition of cultivators, processors, or retail dispensaries within the municipal corporation; and

WHEREAS, via Ordinance No. 15-2017, Council supplemented the General Code of the Village of Fairfax by the addition of Section 90.532, prohibiting cultivators, processors, and retail dispensaries of medical marijuana, including all cultivation, processing, and retail dispensing of medical marijuana, whether licensed under Chapter 3796 of the Ohio Revised Code or not; and

 WHEREAS, Issue 2, now Chapter 3780 of the Ohio Revised Code, passed by a majority of Ohio voters on November 7, 2023, and effective December 7, 2023, authorizes the adult use of marijuana for recreational purposes, licensed adult use cannabis operators, and other related activity to the extent set forth therein; and

 WHEREAS, R.C. 3780.25(A) provides that the legislative authority of a municipal corporation may adopt an ordinance by majority vote to prohibit or limit the number of adult use cannabis operators permitted under Chapter 3780; and

WHEREAS, after careful study reflected at multiple public meetings, Council determines that the Village presently lacks the capacity, resources, and support that appear to be necessary to have adult use cannabis operators within the Village, particularly in view of this being a new and emerging area of law; and

WHEREAS, this Council therefore determines it to be in the best interest of the public peace, health, safety, and general welfare to prohibit adult use cannabis operators within the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio, that:

**SECTION I**: The existing Section 90.532 of the General Code of the Village of Fairfax is hereby amended and supplemented as follows:

 **90.532 MEDICAL MARIJUANA AND ADULT USE CANNABIS**

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| (A) | “Marijuana,” “medical marijuana,” “cultivators,” “processors,” and “retail dispensaries” as used in this section shall have the same meanings as set forth in Chapter 3796 of the Ohio Revised Code.  |
| (B) | Cultivators, processors, and retail dispensaries of medical marijuana, including all cultivation, processing, and retail dispensing of medical marijuana, whether licensed under Chapter 3796 of the Ohio Revised Code or not, are prohibited within the corporate limits of the Village of Fairfax, Ohio. |
| (C)(D)(E) | “Adult use cannabis” and “adult use cannabis operator” as used in this section shall have the same meanings as set forth in Chapter 3780 of the Ohio Revised Code.Adult use cannabis operators, whether licensed under Chapter 3780 of the Ohio Revised Code or not, are prohibited within the corporate limits of the Village of Fairfax, Ohio.Any person, firm, corporation, or other entity that violates subsections (B) or (D) above shall be guilty of a misdemeanor of the third degree, punishable as set forth in R.C. 2929.24 and 2929.28. Each day such violation continues shall constitute a separate offense. |

**SECTION II:** This Ordinance shall not be construed to take any action prohibited by R.C. 3780.25(G).

**SECTION III**: This Ordinance shall take effect and be in force from and after the earliest period provided by law.

Passed this 15th day of July, 2024.

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 Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 5-2024 adopted at a meeting of the Council of the Village of Fairfax, this 15th day of July, 2024.

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 Fiscal Officer