

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading ____	Waiver 3-Reading Rule ____
ORDINANCE NO: 2025-12-21	Yes <u>x</u>	Second Reading ____	Yes ____
INTRODUCED BY _____	No ____	Third Reading <u>X</u>	No ____

**AN ORDINANCE AMENDING CHAPTER 727 OF THE CODIFIED ORDINANCES TO PROHIBIT MARIJUANA RELATED FACILITIES WITHIN THE VILLAGE.**

**WHEREAS**, Ohio Revised Code Chapter 3796 legalizes the cultivating, processing, and dispensing of medical marijuana in the State of Ohio; and

**WHEREAS**, Ohio Revised Code Section 3796.29 authorizes a municipality to entirely prohibit cultivators, processors, or retail dispensaries licensed under Ohio Revised Code Chapter 3796 in the Village of Boston Heights; and

**WHEREAS**, Ohio Revised Code Chapter 3780 legalizes the cultivating, processing, and dispensing of recreational marijuana in the State of Ohio; and

**WHEREAS**, Ohio Revised Code Section 3780.25 authorizes a municipality to entirely prohibit cultivators, processors, or retail recreational dispensaries licensed under Ohio Revised Code Chapter 3780 in the Village of Boston Heights; and

**WHEREAS**, marijuana is a Schedule I controlled substance under the federal Controlled Substances Act (CSA; 21 U.S.C. §801 et seq.), and, thus, is strictly regulated by federal authorities; and

**WHEREAS**, the federal Controlled Substances Act currently prohibits the manufacture, distribution, dispensation, and possession of marijuana except in federal, government-approved research studies; and

**WHEREAS**, the prohibition of marijuana related facilities within the village will prevent the creation of a public nuisance and threaten the health, safety, and welfare of the village and its residents, including children, families, and the workforce.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Boston Heights, Summit County, Ohio, as follows:

**Section 1.** That Chapter 727 of the Codified Ordinances of the Village of Boston Heights is hereby amended and shall provide as follows, with additions being **underlined** and **in bold** and deletions being **underlined** and **stricken**:

**727.01 DEFINITIONS.**

(a) “Marijuana” **and “cannabis”** means marijuana as defined in Section 3719.01 of the Ohio Revised Code.

(b) “Medical marijuana” means marijuana that is cultivated, processed, tested, dispensed, possessed, or used for a medical purpose **as defined in Section 3796.01(A)(2) of the Ohio Revised Code.**

(c) **“Adult use cannabis operation” means a level I adult use cultivator, a level II adult use cultivator, a level III adult use cultivator, an adult use processor, and an adult use dispensary, each as defined in Section 3780.01 of the Ohio Revised Code.**

## **727.02 CULTIVATING, PROCESSING, AND DISPENSING MEDICAL MARIJUANA PROHIBITED.**

(a) No person shall **operate a cultivator, processor, or retail dispensary licensed under Chapter 3796 of the Ohio Revised Code** ~~cultivate, process, dispense, or sell medical marijuana~~ within the Village of Boston Heights.

(b) **No person shall operate an adult use cannabis operation licensed under Chapter 3796 of the Ohio Revised Code within the Village of Boston Heights.**

## **727.99 PENALTY.**

Whoever violates any section of this Chapter is guilty of a misdemeanor of the first degree. Each day that any person continues to violate this Chapter shall constitute a separate and complete offense.

**Section 2.** That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

**Section 3.** That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in a duly noticed open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the Village, the immediate protection of children, families, and the workforce, all as set forth in this Ordinance, including its recitals, and shall, therefore, take effect and be in force from and immediately after its passage.

PASSED:

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RON ANTAL, MAYOR

ATTEST:

I, SCOTT VARNEY, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing **Ordinance 2025-12-21** duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **27<sup>th</sup> day of January, 2026.**

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SCOTT VARNEY, FISCAL OFFICER