

# RECORD OF LEGISLATION

No. 08.104.2025

Passed 8-5, 20 25

**A RESOLUTION EXTENDING THE MORATORIUM ON THE RETAIL CULTIVATION, PROCESSING, AND DISPENSING OF ADULT-USE AND MEDICAL MARIJUANA IN THE CITY OF CIRCLEVILLE AND DECLARING AN EMERGENCY.**

**WHEREAS**, State Issue 2, approved by a majority of voters in the November 7, 2023, Ohio general election, legalized the commercial sale, recreational use, and home cultivation of marijuana for persons 21 years old and older (“Adult-Use Marijuana”); and

**WHEREAS**, State Issue 2 created the Ohio Division of Cannabis Control and required this Division to promulgate rules establishing standards and procedures for the commercial sale, recreational use, and home cultivation of Adult-Use Marijuana within nine months of its passage; and

**WHEREAS**, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

**WHEREAS**, ORC § 3780.25, enacted by State Issue 2, affirms that municipalities may prohibit or limit the number of Adult-Use Marijuana operators within their corporation limits; and

**WHEREAS**, Chapter 3796 of the Ohio Revised Code permits the cultivation, processing, and establishment of medical marijuana dispensaries; and

**WHEREAS**, Section 3796.29 of the Ohio Revised Code authorizes a municipality to adopt an ordinance limiting the number of, or entirely prohibiting, cultivators, processors, or retail dispensaries of medical marijuana; and

**WHEREAS**, the Circleville City Council previously approved a one-year moratorium on the cultivation, processing, and retail sale of adult use cannabis within the City of Circleville through the passage of Resolution 08-54-2024 on August 6, 2024; and

**WHEREAS**, the Circleville City Council desires additional time to research and study whether to limit or prohibit the cultivation, processing, and/or dispensing of adult use cannabis, or, alternatively, to develop and implement regulations regarding the possible location and operation of cannabis related businesses within the City of Circleville, including cannabis cultivators, processors, and adult use dispensaries; and

**WHEREAS**, the Circleville City Council believes that an extension of the moratorium on cannabis-related business is necessary to ensure the health, safety, and welfare of the residents of the City of Circleville and for the extension of the moratorium for an additional six (6) months from its August 6, 2025, expiration date, so that it shall expire on February 6, 2026.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CIRCLEVILLE, COUNTY OF PICKAWAY, OHIO AS FOLLOWS:**

**SECTION I.** Pursuant to the authority set forth in the Ohio Revised Code Section 3780.25, the City of Circleville Council hereby extends the existing moratorium for a term of six (6) months with respect to the authorization or establishment of any cannabis-related businesses within the City of Circleville, including, but not limited to, cannabis-related cultivators, processors, and/or adult use dispensaries.

**SECTION II.** The moratorium established by Resolution 08-54-2024 is extended until February 6, 2026, or until legislation created as a result of the moratorium takes effect, whichever occurs first.

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**SECTION III.** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Circleville; the emergency being to avoid unnecessary delay in the application and contracting process, wherefore, this ordinance shall be in full force and effective immediately upon its passage.

PASSED: 8-5-2025  
DATE

Shirley Thies  
PRESIDENT OF COUNCIL *Pro Tempore*

ATTEST: Sarah Kolesar  
CLERK OF COUNCIL *Assistant Clerk*

APPROVED: 8-5-2025  
DATE

Walter L. Benton  
MAYOR

APPROVED AS FORM:

KC  
KENDRA C. KINNEY - LAW DIRECTOR