



## RESOLUTION 2025-20

**A RESOLUTION EXTENDING THE TWELVE-MONTH MORATORIUM ON THE RETAIL CULTIVATION, PROCESSING, AND DISPENSING OF ADULT-USE AND MEDICAL MARIJUANA IN THE CITY OF POWELL FOR AN ADDITIONAL TWELVE-MONTHS.**

**WHEREAS,** the City of Powell adopted Resolution 2024-24 which established a twelve-month moratorium on the retail, cultivation, processing, and dispensing of adult and medical marijuana; and

**WHEREAS,** the City of Powell is rewriting the City's zoning ordinance which will include regulations pertaining to marijuana-related businesses and uses; and

**WHEREAS,** the zoning code rewrite process is anticipated to be complete by early 2026 with regulations being adopted shortly thereafter; and

**WHEREAS,** the objectives of Resolution 2024-24 are still relevant and by extending the moratorium will allow City Council and staff time to study these issues and the final regulations in order to ensure the public peace, health, safety, and welfare.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:**

Section 1: Council of the City of Powell, Ohio hereby extends the moratorium on the retail cultivation, processing, or dispensing of Adult-Use Marijuana and medical marijuana. Retail cultivation, processing, and dispensing of Adult-Use Marijuana and medical marijuana uses is specifically prohibited anywhere within the City of Powell, Ohio for a period of twelve months from the date of this Resolution's adoption. Activities subject to this moratorium include, but are not limited to, the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy, or certificates of occupancy that would enable the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana in the City of Powell.

Section 2: No existing business in the Powell may expand in any way that would establish the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana for the duration of the moratorium period established in this Resolution.

Section 3: The twelve-month moratorium may be extended by legislative action of City Council if it determines that additional time is necessary based on the objectives of this Resolution.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of

City Council  
Tom Counts, Mayor

Kurt Ramsey

Leif Carlson

David Lester

Heather Karr

Ferzan Ahmed

Tyler Herrmann

Council and that all deliberations of Council and any of the decision-making bodies of the City of Powell, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 5: This Resolution shall be in full force and shall take effect at the earliest date allowed by law.

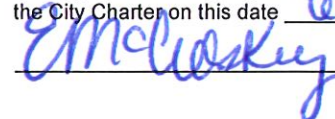
  
\_\_\_\_\_  
Tom Counts  
Mayor

6/17/25  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Elaine McCloskey  
City Clerk

\_\_\_\_\_  
Date

EFFECTIVE DATE: June 17, 2025

This legislation has been posted in accordance with  
the City Charter on this date 6/18/2025.  
  
\_\_\_\_\_  
City Clerk







**RESOLUTION 2024-24**

**A RESOLUTION IMPOSING A TWELVE-MONTH MORATORIUM ON THE RETAIL CULTIVATION, PROCESSING, AND DISPENSING OF ADULT-USE AND MEDICAL MARIJUANA IN THE CITY OF POWELL.**

**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;

**WHEREAS**, since State Issue 2's passage, State lawmakers have proposed two alternative bills to revise the administrative and tax structures adopted via State Issue 2, but have not adopted any amendments to-date; and

**WHEREAS**, the Ohio Division of Cannabis Control has not yet promulgated standards and procedures for the commercial sale, recreational use, and home cultivation of Adult-Use Marijuana; 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**, City Council seeks time to study whether to limit or entirely prohibit the cultivation, processing and/or retail dispensing of Adult-Use Marijuana and medical marijuana by in accordance with Ohio Revised Code Section 3780.25 and 3796.29, or, to amend its business and/or zoning code and/or implement regulations regarding the location and operation of Adult-Use Marijuana-related businesses as well as medical marijuana-related businesses within the City of Powell, Ohio (the "City"), including retail dispensaries, cultivators, and processors; and

**WHEREAS**, a twelve-month moratorium on the permitting of Adult-Use Marijuana and medical marijuana-related businesses and uses in the City will allow City Council and staff time to study these issues and the final regulations in order to ensure the public peace, health, safety, and welfare

City Council

Tom Counts, Mayor

Leif Carlson   David Lester   Christina Drummond   Heather Karr   Ferzan Ahmed   Tyler Herrmann

Resolution 2024-24

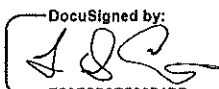
**NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**


Section 1: Council of the City of Powell, Ohio hereby imposes a moratorium on the retail cultivation, processing, or dispensing of Adult-Use Marijuana and medical marijuana. Retail cultivation, processing, and dispensing of Adult-Use Marijuana and medical marijuana uses is specifically prohibited anywhere within the City of Powell, Ohio for a period of twelve months from the date of this Resolution's adoption. Activities subject to this moratorium include, but are not limited to, the acceptance of any applications for, or the granting of, building permits, zoning approvals, certificates of business occupancy, or certificates of occupancy that would enable the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana in the City of Powell.

Section 2: No existing business in the Powell may expand in any way that would establish the retail cultivation, processing, distribution, or sale of Adult-Use Marijuana or medical marijuana for the duration of the moratorium period established in this Resolution.

Section 3: The twelve-month moratorium may be extended by legislative action of City Council if it determines that additional time is necessary based on the objectives of this Resolution.


Section 4: That due to the uncertain and evolving statutory and regulatory landscape concerning Adult-Use Marijuana and medical marijuana, this Resolution shall take effect at the earliest date allowed by law.

DocuSigned by:  
  
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Tom Counts  
Mayor  
6/20/2024  
Date

DocuSigned by:  
  
FF311841E49A409...  
Elaine McCloskey  
City Clerk  
6/20/2024  
Date

**EFFECTIVE DATE:** June 18, 2024

This legislation has been posted in accordance with the City Charter on this date 6/20/2024

  
Elaine McCloskey  
Clerk  
FF311841E49A409... City