

ORDINANCE NO.: 2025-02
SPONSOR: MAYOR YEARGIN
PRESENTED BY: LAW DIRECTOR DEAN
INTRODUCED: JANUARY 14, 2025 **ASSIGNED TO:** _____

AN ORDINANCE REPEALING SECTION 138.06: “ILLEGAL CULTIVATION OF MARIJUANA” OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN.

WHEREAS, Ohio Revised Code Chapter 3780 became effective December 7, 2023, which legalized and provided for the regulation of “adult use cannabis” as defined in Section 3780.01 of the Revised Code, including cultivation, processing, sale, purchase, possession, and home growth; and

WHEREAS, it is necessary to repeal Section 138.06: “Illegal Cultivation of Marijuana” of the Codified Ordinances of the City of Green in its entirety to align with current state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council hereby repeals Section 138.06 “Illegal Cultivation of Marijuana” of the City’s Codified Ordinances in its entirety:

SECTION 138.06 ILLEGAL CULTIVATION OF MARIJUANA.

- ~~—(A) No person shall knowingly cultivate marijuana.~~
- ~~—(B) This section does not apply to any person listed in R.C. § 2925.03(B)(1), (B)(2) or (B)(3), or a substantially equivalent municipal ordinance, to the extent and under the circumstances described in that division.~~
- ~~—(C) Whoever commits a violation of division (A) of this section is guilty of illegal cultivation of marihuana.~~
 - ~~—(1) Except as otherwise provided in the following divisions, illegal cultivation of marihuana is a minor misdemeanor or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.~~
 - ~~—(2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.~~
 - ~~—(3) If the amount of marihuana involved equals or exceeds 200 grams, illegal cultivation of marihuana is a felony to be prosecuted under appropriate state law.~~
- ~~—(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person’s criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person’s appearance as a witness.~~

SECTION THREE:

Any other Ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of a conflict and all Ordinances not amended by this Ordinance shall remain in full force and effect.

SECTION FOUR:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

This Ordinance shall take effect and be in force from and after the earliest time allowed by law.

ADOPTED: _____, 2025

Nichole Messner, Clerk of Council

Jeff Noble, Council President

APPROVED: _____, 2025

Rocco P. Yeargin, Mayor

ENACTED EFFECTIVE: _____, 2025

ON ROLL CALL: Babbitt _____ DeVitis _____ Neugebauer _____ Miller _____
 Noble _____ Meager _____ Speight _____

PUBLICATION CERTIFICATION

I, Nichole Messner, Clerk of Council of the City of Green, County of Summit and State of Ohio, whose custody the original files and records of said council are required to be kept by the laws of the State of Ohio, do hereby certify that the above legislation was duly published in the *Southside Leader* on _____ and _____, 2024.

Nichole M. Messner, Clerk of Council