

**ORDINANCE 2022 - 003**

**AN ORDINANCE SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE ELECTORATE AT THE GENERAL ELECTION TO BE HELD ON THE 8<sup>th</sup> DAY OF NOVEMBER, 2022, AS SPECIFIED IN ARTICLE XI, SECTION 11.05 OF THE KENT CITY CHARTER, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Article XI, Section 11.05 of the Charter of the City of Kent provides that proposed amendments to the Charter may be submitted to the electors of the City, and shall be submitted by Council when a petition signed by ten percent (10%) of the registered electors of the City, at the time said petition is submitted, setting forth a proposed amendment, is filed with Council in the manner and form prescribed for the submission of ordinances by an initiative petition; and

**WHEREAS**, a petition setting forth a proposed amendment to the Charter, signed by A sufficient number of registered electors of the City, was filed with the Clerk of Council; and

**WHEREAS**, the proposed amendment would:

1. Mandate that fines and court costs for convictions of certain sections of the City's Drug Abuse Code be set at Zero Dollars (\$0.00). Specifically, the possession of marijuana and hash and the gifting of Marijuana of less than twenty (20) grams or less;
2. Supersede the existing penalty sections for the conviction of the above offenses.

**WHEREAS**, the Board of Elections has certified that said petition contained a sufficient number of valid signatures, such that the petition was signed by more than ten percent (10%) of the electors of the City at the time it was submitted.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, County of Portage and State of Ohio that:

**SECTION 1:** the proposed amendment to the Charter of the City of Kent which is attached hereto as "Exhibit A" shall be submitted to the electors of the City of Kent at the General Election to be held on November 8, 2022 which election occurs not less than thirty (30) nor more than one year (1) from the date of the final vote of Council. The Board of Elections of Portage County is requested to place this issue on the ballot and provide for such election.

**SECTION 2:** the Law Director and Clerk of Council are hereby directed to take all required action to deliver a certified copy of this ordinance to the Portage County Board of Elections.

**SECTION 3:** the proposed amendment shall become effective and shall become part of the Charter if approved by a majority of the electors voting thereon.

**SECTION 4.** it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: January 19, 2022  
Date

Jerry T. Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: January 19, 2022  
Date

ATTEST: Amy Wilkens  
Amy Wilkens  
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2022-003, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON January 19, 2022.

(SEAL)

Amy Wilkens  
AMY WILKENS  
CLERK OF COUNCIL  
(SEAL)

## THE SENSIBLE MARIHUANA ORDINANCE

### **513.15 . MARIHUANA LAWS AND PENALTIES.**

(a) No person shall knowingly obtain, possess, or use marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(1) If the amount of the drug involved is less than two hundred grams, possession of marihuana is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00

(b) No person shall knowingly obtain, possess, or use hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(1) If the amount of the drug involved is less than ten grams of solid hashish or less than two grams of liquid hashish, possession of hashish is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(c) No person shall knowingly cultivate or manufacture marihuana. The penalty for the offense shall be as follows:

(1) If the amount of the drug involved is less than two hundred grams, illegal cultivation of marihuana is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(d) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana. The penalty for the offense shall be determined as follows:

(1) Whoever violates this section, anywhere inside city limits, is guilty of trafficking in marihuana, a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(e) No person shall possess, sell, manufacture or use marihuana or hashish paraphernalia. The penalty for the offense shall be as follows:

(1) Whoever violates this section shall be guilty of a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(f) All court costs shall be \$0.00 for violations of sections herein.

(g) Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections. Invalid sections shall be revised to the minimum extent necessary to maintain validity and enforceability.

(h) Definitions

(1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; except that it does not include hashish.

(2) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.