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September 23rd, 2024; 9:00 AM EST

Municipal Corporation of the City of Delaware, Ohio

C/O City Council
1 S Sandusky St.,
Delaware, OH
43015

Via Email: councilclerk@delawareohio.net

Dear City Council,

Thank you for taking the time to consider this letter. This letter is in regard to the Emergency Moratorium (24-70). First and foremost, Council has been very prudent in their review and consideration of the Emergency Moratorium (ORDINANCE NO. 24-70; Enacted 9/9/2024) and the Amended Marijuana/Vape/Tobacco Zoning Ordinance (Ordinance No. 24-73).

However, I wanted to make a distinction between the effective date and the enactment date of an [superseding] ordinance as it relates to cessation of the Emergency Moratorium. In plain English, the enactment of Ordinance No. 24-73 tonight will extinguish the emergency facts put forth by Council on September 9th, 2024 justifying the enactment of the Emergency Moratorium (Ord. No. 24-70). In theory, the mere enactment of Ordinance 24-73 will negate the Emergency Moratorium (Ordinance 24-70). However, Ordinance 24-73 will not become effective (by law) for 30 days.

To avoid any potential gaps between the Emergency Moratorium and the effective date of Ordinance 24-73, City Council today should, concurrently with [the waiver of] the second reading of Ordinance 24-73 (and motion to enact), [motion] that Ordinance 24-70 (Emergency Moratorium) remain in effect until Ordinance 24-73 becomes effective. Ordinance 24-70 cannot remain in effect beyond the effective date of Ordinance 24-73, but it would not offend applicable laws that it remains in effective until the effective date of Ordinance 24-73.

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Sincerely,

MANDIJA LEARMAN, PLLC

/s/ Ermal Mandija _____

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