| 1 | ORDINANCE NO. 2017- XXX |
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| 3 | AN ORDINANCE OF THE CITY COMMISSION OF THE CITY |
| 4 | OF OAKLAND PARK, FLORIDA, ESTABLISHING A |
| 5 | MORATORIUM UNTIL DECEMBER 31, 2017 ON THE |
| 6 | SUBMISSION, PROCESSING, APPROVAL OR ISSUANCE OF |
| 7 | ANY NEW LICENSES, BUSINESS TAX RECEIPTS, |
| 8 | DEVELOPMENT ORDERS OR PERMITS FOR ANY USES |
| 9 | THAT INVOLVE THE CULTIVATION, PROCESSING, |
| 10 | DISPENSING OR RETAIL SALE OF CANNABIS; PROVIDING |
| 11 | FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND |
| 12 | PROVIDING FOR AN EFFECTIVE DATE. |
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| 14 15 | WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and |
| 15 16 | Chapter 166 of the Florida Statutes, the City of City of Oakland Park, Florida is authorized and |
| 17 | required to protect the public health, safety and welfare of its citizens and has the power and |
| 18 | authority to enact regulations for valid governmental purposes that are not inconsistent with |
| 19 | general or special law; and |
| 20 | general of special law, and |
| 21 | WHEREAS, the public health, safety and welfare is a legitimate public purpose |
| 22 | recognized by the courts of Florida; and |
| 23 | |
| 24 | WHEREAS, in the 2014 Legislative Session, pursuant to Senate Bill 1030, the Florida |
| 25 | Legislature enacted Chapter 2014-157, Laws of Florida, which permits prescription of low- |
| 26 | THC cannabis and medical marijuana in very limited circumstances, effective January 1, |
| 27 | 2015; and, |
| 28 | |
| 29 | WHEREAS, the Department of Health promulgated rules at Florida Administrative |
| 30 | Code 64-4.001 et. seq., which became effective on June 17, 2015; and, |
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| 32 | WHEREAS, the 2016 Florida Legislature approved House Bill 307, which among |
| 33 | other things, amended Senate Bill 1030, and provided for the growing, processing, and |
| 34 | distributing of specific forms of medical (euphoric) cannabis to qualified patients and their |
| 35 | legal representatives for the treatment of listed medical conditions, which became effective on |
| 36 | March 25, 2016 as Chapter 2016-123, Laws of Florida, and is codified at Sections 391.986, and |
| 37 | 499.0295, Florida Statutes; and |
| 38 | WHERE AC |
| 39 | WHEREAS, a statewide referendum to amend the Florida Constitution to legalize a |
| 40 | broader use of medical marijuana to treat a wider class of medical conditions passed on |
| 41 42 | November 8, 2016 ("Amendment 2"); and, |
| 42 43 | WHEREAS, Amendment 2 does not provide specific information on how medical |
| 44 | marijuana prescribed pursuant to its provisions will be cultivated, processed and dispensed; |

and,

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WHEREAS, given the historical legal prohibitions on marijuana, the City has never had the need to review the potential implications of the production and distribution of marijuana for any purpose; and,

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WHEREAS, since Amendment 2 has been approved by the voters as a constitutional amendment, the Florida Department of Health is required to adopt rules on implementing medical marijuana; and

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WHEREAS, in addition to the need for state laws and regulations, the City will need to review uses involving the cultivation, processing, dispensing and retail sale of marijuana in the context of the City's land development regulations, and the scope and content of such review will be dictated by adopted state legislation and rules; and,

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WHEREAS, based upon the above facts and recommendations from City Administration, the City Commission deems it necessary and to be in the best interests of the health, safety, and welfare of the citizens and residents of the City of Oakland Park, to impose a moratorium on the submission, processing, approval of any new applications or the issuance of any new licenses, business tax receipts, development orders or permits for uses that involve the cultivation, processing, dispensing or retail sale of cannabis until December 31, 2017.

202122

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, THAT:

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SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and is hereby made a specific part of this Ordinance.

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SECTION 2. The City Commission hereby declares a moratorium shall be immediately imposed on the submission, processing, approval of any applications or the issuance of any new licenses, business tax receipts, development orders or permits for uses that involve the cultivation, processing, dispensing or retail sale of cannabis (including low-THC cannabis and medical cannabis) until December 31, 2017. This moratorium is not intended to impair the practice of medicine by duly licensed physicians and shall not be interpreted inconsistent with any state preemptions. During the term of the moratorium, the City shall not accept or review any applications for licenses, business tax receipts, development orders or permits for uses that include cannabis. The moratorium may be extended by the City Commission by subsequent ordinance should additional time be needed by the City for the adoption of appropriate land development regulations once all state laws and regulations have been adopted and are effective. For purposes of this moratorium, "cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin; "low-THC cannabis" means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization; and "medical cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation

| 1 | of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and a second from the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and the plant of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and the plant or its seeds or resin that is dispensed only from a dispensing organization for medical transfer and the plant of the |
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| 2 | use by an eligible patient as defined by Florida law. |
| 3 | SECTION 2 If any almost and an analysis of this conditions about the health |
| 4 | SECTION 3. If any clause, section or other part of this Ordinance shall be held be |
| 5 | any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional of invalid part shall be considered as aliminated and in no year officering the validity of the other |
| 6 7 | invalid part shall be considered as eliminated and in no way affecting the validity of the other |
| 8 | provisions of this Ordinance. |
| 9 | SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are hereb |
| 10 | repealed to the extent of such conflicts. |
| 11 | repealed to the extent of such conflicts. |
| 12 | SECTION 5 . It is the intention of the City Commission of the City of Oakland Parl |
| 13 | that the provisions of this Ordinance shall become and be made a part of the Code of |
| 14 | Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may be |
| 15 | renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," of |
| 16 | such other word or phrase in order to accomplish such intention. |
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| 18 | SECTION 6. This Ordinance shall be effective upon its passage and adoption by the |
| 19 | City Commission of the City of Oakland Park. |
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| 21 | PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK |
| 22 | FLORIDA, ON FIRST READING, THIS 1 st , DAY OF FEBRUARY, 2017. |
| 23 | |
| 24 | T. LONERGAN <u>NO</u> |
| 25 | S. GUEVREKIAN <u>YES</u> |
| 26 | M. SPARKS <u>YES</u> |
| 27 | M. CARN <u>YES</u> |
| 28 | J. ADORNATO <u>NO</u> |
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| 1 | PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF |
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| 2 | OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 15 TH , DAY OF |
| 3 4 | FEBRUARY, 2017. |
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| 6 | CITY OF OAKLAND PARK, FLORIDA |
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| 10 | MAYOR JOHN ADORNATO III |
| 11 | |
| 12 | T. LONERGAN |
| 13 | S. GUEVREKIAN |
| 14 | M. SPARKS |
| 15 | M. CARN |
| 16 | J. ADORNATO |
| 17 18 | |
| 19 | ATTEST: |
| 20 | THILDI. |
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| 23 | RENEE M. SHROUT, CMC, CITY CLERK |
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| 30 | LEGAL NOTE: |
| 31 | I hereby certify that I have approved the form of this Ordinance. (O-2017-XXX) |
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| 36 | DONALD J. DOODY, CITY ATTORNEY |
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