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2       **WHEREAS**, given the historical legal prohibitions on marijuana, the City has never  
3 had the need to review the potential implications of the production and distribution of  
4 marijuana for any purpose; and,  
5

6       **WHEREAS**, since Amendment 2 has been approved by the voters as a constitutional  
7 amendment, the Florida Department of Health is required to adopt rules on implementing  
8 medical marijuana; and  
9

10       **WHEREAS**, in addition to the need for state laws and regulations, the City will need  
11 to review uses involving the cultivation, processing, dispensing and retail sale of marijuana in  
12 the context of the City's land development regulations, and the scope and content of such  
13 review will be dictated by adopted state legislation and rules; and,  
14

15       **WHEREAS**, based upon the above facts and recommendations from City  
16 Administration, the City Commission deems it necessary and to be in the best interests of the  
17 health, safety, and welfare of the citizens and residents of the City of Oakland Park, to impose a  
18 moratorium on the submission, processing, approval of any new applications or the issuance of  
19 any new licenses, business tax receipts, development orders or permits for uses that involve the  
20 cultivation, processing, dispensing or retail sale of cannabis until December 31, 2017.  
21

22       **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
23 **CITY OF OAKLAND PARK, FLORIDA, THAT:**  
24

25       **SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
26 being true and correct and is hereby made a specific part of this Ordinance.  
27

28       **SECTION 2.** The City Commission hereby declares a moratorium shall be immediately  
29 imposed on the submission, processing, approval of any applications or the issuance of any new  
30 licenses, business tax receipts, development orders or permits for uses that involve the cultivation,  
31 processing, dispensing or retail sale of cannabis (including low-THC cannabis and medical  
32 cannabis) until December 31, 2017. This moratorium is not intended to impair the practice of  
33 medicine by duly licensed physicians and shall not be interpreted inconsistent with any state  
34 preemptions. During the term of the moratorium, the City shall not accept or review any  
35 applications for licenses, business tax receipts, development orders or permits for uses that include  
36 cannabis. The moratorium may be extended by the City Commission by subsequent ordinance  
37 should additional time be needed by the City for the adoption of appropriate land development  
38 regulations once all state laws and regulations have been adopted and are effective. For purposes  
39 of this moratorium, "*cannabis*" means all parts of any plant of the genus *Cannabis*, whether  
40 growing or not; the seeds thereof; the resin extracted from any part of the plant; and every  
41 compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin;  
42 "*low-THC cannabis*" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8  
43 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for  
44 weight; the seeds thereof; the resin extracted from any part of such plant; or any compound,  
45 manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is  
46 dispensed only from a dispensing organization; and "*medical cannabis*" means all parts of any  
47 plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from  
48 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  
2 use by an eligible patient as defined by Florida law.  
3  
4 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by  
5 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or  
6 invalid part shall be considered as eliminated and in no way affecting the validity of the other  
7 provisions of this Ordinance.  
8  
9 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby  
10 repealed to the extent of such conflicts.  
11  
12 **SECTION 5.** It is the intention of the City Commission of the City of Oakland Park,  
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," or  
16 such other word or phrase in order to accomplish such intention.  
17  
18 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by the  
19 City Commission of the City of Oakland Park.  
20  
21 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**  
22 **FLORIDA, ON FIRST READING, THIS 1<sup>st</sup>, DAY OF FEBRUARY, 2017.**  
23  
24 T. LONERGAN NO  
25 S. GUEVREKIAN YES  
26 M. SPARKS YES  
27 M. CARN YES  
28 J. ADORNATO NO  
29  
30  
31

1 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**  
2 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 15<sup>TH</sup>, DAY OF**  
3 **FEBRUARY, 2017.**  
4

5  
6 CITY OF OAKLAND PARK, FLORIDA  
7

8  
9  
10 \_\_\_\_\_  
11 MAYOR JOHN ADORNATO III

12 T. LONERGAN  
13 S. GUEVREKIAN  
14 M. SPARKS  
15 M. CARN  
16 J. ADORNATO  
17 \_\_\_\_\_  
18

19 ATTEST:  
20  
21

22 \_\_\_\_\_  
23 RENEE M. SHROUT, CMC, CITY CLERK  
24  
25  
26  
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29

30 LEGAL NOTE:

31 I hereby certify that I have approved the form of this Ordinance. (O-2017-XXX)  
32  
33  
34  
35

36 \_\_\_\_\_  
37 DONALD J .DOODY, CITY ATTORNEY