

ORDINANCE NO. 396

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL, PROCESSING, AND ISSUANCE OF LOCAL BUSINESS LICENSES AND/OR LAND USE OR ZONING APPROVALS OR DEVELOPMENT ORDERS FOR MARIJUANA DISPENSING ORGANIZATIONS/MEDICAL MARIJUANA TREATMENT CENTERS, AS FURTHER DEFINED HEREIN, FOR A PERIOD OF THREE HUNDRED SIXTY-FIVE (365) DAYS FROM THE DATE OF ADOPTION OF THIS ORDINANCE PROHIBITING SAID USES; PROVIDING FOR THE GEOGRAPHIC AREA COVERED; PROVIDING FOR THE DURATION OF THE MORATORIUM; PROVIDING FOR LEGISLATIVE FINDINGS AND DEFINITIONS; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bonifay, Florida provides municipal services to its citizens, including regulation and licensing of businesses and issuance of permits; and

WHEREAS, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution to allow for broader medical use of any kind of marijuana (including euphoric strains) within the State (the "Constitutional Amendment"); and

WHEREAS, the Constitutional Amendment authorizes and defines "Medical Marijuana Treatment Centers" to encompass the entire supply chain (cultivation, processing, storage, distribution, etc.), not just retail sales to qualified patients; and

WHEREAS, the Constitutional Amendment permits the use of additional alternative forms of marijuana (marijuana in all its forms including low-THC cannabis, together referred to as "marijuana") and alternative dispensing methods (including, but not limited to, smoking and food products); and

WHEREAS, significant safety and security issues exist for any establishment involved in the cultivation, processing or distribution of marijuana, because they maintain large drug inventories and may be forced to deal in cash because their activities have not yet been sanctioned by federal law; and

WHEREAS, the State of Florida will issue rules and regulations for implementation of the Constitutional Amendment including, but not limited to, regulations related to identification cards for persons with physician certifications, personal care givers, procedures for registration of medical marijuana treatment centers, including procedures for issuance, renewal, suspension, and revocation of registration, and standards related to security, record keeping, testing, labeling, inspection, and safety as well other related matters; and

WHEREAS, the City Council has determined it is in the best interest of the citizens and general public to regulate the location of medical marijuana treatment centers and facilities which dispense and/or cultivate medical marijuana in the event the State of Florida legalizes such activities; and

WHEREAS, the City Council has the responsibility and authority to determine what uses are best suited to particular zoning categories as well as land use categories within the City; and

WHEREAS, the City needs a period of time to review studies regarding the impacts of marijuana dispensaries/medical marijuana treatment centers to the surrounding area and review the regulatory actions taken by the State of Florida; and

WHEREAS, the ordinance is adopted pursuant to the City's Home Rule Powers as set forth in Florida Statute Chapter 166.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA:

Section 1. All activities relating to the submittal, acceptance, review and action upon applications for local business licenses and/or land use or zoning approvals or development orders for marijuana dispensing organizations/medical marijuana treatment centers are temporarily suspended in order for the City of Bonifay, FL, through its officials and staff, to have adequate time and opportunity to review studies and to determine the adequacy of application criteria, standards and other approval processes related to the issuance of said local business licenses and/or land use approvals or development orders within the City of Bonifay as well as to develop zoning regulations related to and limiting the location of such facilities and uses and other regulations related to the operation of such facilities to protect the public health, safety and welfare of the citizens of the City of Bonifay. Based upon the foregoing, there is hereby imposed a temporary moratorium on the submittal, review and action upon applications for local businesses licenses, certificates of use, and/or land use approvals or development orders for marijuana dispensing organizations/medical marijuana treatment centers. During the time the temporary moratorium is in effect, the City will not accept applications for local business licenses and/or land use or zoning approvals or development orders for the operation of marijuana dispensing organizations/medical marijuana treatment centers and such uses shall not be permitted in the City of Bonifay.

Section 2. The terms Marijuana Dispensing Organizations/Medical Marijuana Treatment Centers as used herein shall mean a location or place permitted by State law to do any of the following: acquire, cultivate, possess, process (including but not limited to development of related products such as food, aerosols, oils or ointments), transfer, transport, sell, distribute, dispense, store or administer legal marijuana/cannabis.

Section 3. The temporary moratorium established in this ordinance shall be effective in the corporate and municipal boundaries of the City of Bonifay.

Section 4 The temporary moratorium set forth in this ordinance shall take effect immediately upon the effective date of this ordinance and shall terminate three hundred sixty (360) days after the said effective date. The City will accept no applications which are subject to the moratorium until the moratorium has expired. The City Council may extend the temporary moratorium established in this ordinance by enactment of an ordinance one (1) time for a period not to exceed ninety (90) days upon a finding by the City Council set forth in the ordinance that the problems giving rise to the need for the temporary moratorium established herein continue to exist.

Sections 5. Any individual entity, or agent, who shall violate any provision of this ordinance or who fails to comply therewith, or with any of the requirements thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) per day.

Section 6. Should any section or provision of this ordinance or any portion thereof any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 8. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED FIRST PUBLIC HEARING THIS 13th day of February, 2017.

PASSED SECOND READING/SECOND PUBLIC HEARING THIS 13th day of March, 2017.

Richard Washburn
_____, Mayor

Attest:

Jeri Gibson
_____, City Clerk