

ORDINANCE NO. 18-09-1380

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 106 OF THE NORTH LAUDERDALE CODE OF ORDINANCES, ENTITLED "ZONING," AMENDING SECTION 106-3 ENTITLED "DEFINITIONS," TO PROVIDE FOR A DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES;" CREATING SECTION 106-208 ENTITLED "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED"; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY OF NORTH LAUDERDALE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Art. X, § 29, Fla. Const., entitled, "Medical Marijuana production, possession and use," was passed by the electors of Florida in November 2016, and amended the Florida Constitution to allow the use of marijuana in certain medical applications; and,

WHEREAS, during the recent 2017 Special Legislative Session, the Florida Legislature passed Senate Bill 8-A, relating to the Medical Use of Marijuana ("SB-8A"), which implements the provisions of Art. X, § 29, Fla. Const.; and,

WHEREAS, Art. X, § 29, Fla. Const. defines Medical Marijuana Treatment Centers ("MMTCs") to mean an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department (of Health); and,

WHEREAS, Governor Scott signed Senate Bill 8-A into law on June 23, 2017, now known as Chapter 2017-232, Laws of Florida, which substantially amends Section 381.986, Florida Statutes, and which provides that "a county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality," and,

WHEREAS, the City Commission, pursuant to the authority provided to the City in Section 381.986(11), Florida Statutes, desires to prohibit MMTCs from establishing dispensaries within the municipal limits of the City of North Lauderdale.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The City Commission of the City of North Lauderdale hereby amends, Section 106-3, entitled “Definitions,” to create a definition for “Medical Marijuana Treatment Center Dispensing Facilities,” to read as follows:

Sec. 106-3. - Definitions.

Medical Marijuana Treatment Center Dispensing Facilities means any dispensing facility, as defined by Fla. Admin. Code r. 64-4.001, as amended, with all applicable regulations, or any other similar facility or operation, of an approved Medical Marijuana Treatment Center authorized to operate in Florida under Art. X, § 29 of the Florida Constitution, §381.986, Florida Statutes, as amended.

Section 3. The City Commission of the City of North Lauderdale hereby amends, Chapter 106, entitled “Zoning,” to create section 106-208, entitled “Medical Marijuana Treatment Center Dispensing Facilities Prohibited,” to read as follows:

Sec. 106-208. - Medical Marijuana Treatment Center Dispensing Facilities Prohibited.

- (a) Purpose. It is the purpose of this ordinance to prohibit Medical Marijuana Treatment Centers created under Art. X, § 29 of the Florida Constitution from establishing Medical Marijuana Treatment Center Dispensing Facilities within the municipal limits of the City of North Lauderdale;
- (b) Findings. Based on authority granted to municipalities in Section 381.986(11) Florida Statutes, the City Commission finds that a ban on the establishment of Medical Marijuana Treatment Center Dispensaries within the City of North Lauderdale is in the best interest of the City;
- (c) Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are prohibited within the boundaries of the City of North Lauderdale;

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. It is the intention of the City Commission of the City of North Lauderdale that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of

the City of North Lauderdale, Florida, that the Sections of this Ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. This Ordinance shall become effective immediately upon its passage and adoption.


PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS 12 DAY OF September, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS 27 DAY OF September, 2018.


MAYOR JACK BRADY

ATTEST:


PATRICIA VANCHERI, City Clerk


VICE MAYOR RICH MOYLE

APPROVED AS TO FORM:


SAMUEL S. GOREN, City Attorney

