

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE CITY OF EDGEWOOD PROHIBITING THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE 180 MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passes the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of low-THC cannabis by qualified dispensing organizations to qualified patients; and

WHEREAS, in 2016, the Florida Legislature amended the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of medical cannabis and derived products by qualified dispensing organizations to eligible patients; and

WHEREAS, Constitutional Amendment No. 2 was approved by the voters of the State of Florida on November 8, 2016 by a margin of 71.3% in favor of the amendment to 28.8% opposed, and will become effective on January 3, 2017; and

WHEREAS, Constitution Amendment No. 2 provides for facilities for the medical use of marijuana, to be known as Medical Marijuana Treatment Centers (“MMTCs”); and

WHEREAS, Constitutional Amendment No. 2 provides that the Department of Health is to promulgate rules within six months after the effective date of the Amendment that provide, among other things, for the registration of MMTCs no later than nine months after the effective date of the Amendment; and

WHEREAS, future legislation may further expand the legal use of low-THC and medical cannabis and marijuana for medical purposes in Florida; and

WHEREAS, the City of Edgewood desires to study the impacts of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes; and

WHEREAS, the City Council of the City of Edgewood intends, as part of its study, to provide regulatory guidance for the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes within the City of Edgewood; and

WHEREAS, the City Council of the City of Edgewood finds that enacting this temporary moratorium is appropriate to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, be it enacted by the City Council of the of Edgewood, Florida on this _____ day of 2017 as follows:

Section 1. Findings. The above recitals are incorporated herein as Findings of Fact.

Section 2. Moratorium on the Establishment and Operation of Qualified Dispensing Organizations for Dispensing Low-THC and Medical Cannabis and Medical Marijuana Treatment Centers.

- a. A temporary moratorium is in effect prohibiting the acceptance, processing, or approval of any application, including any application for a business tax receipt, within the City of Edgewood, Florida, relating to the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes from the effective date of this Ordinance until the date 180 days after the effective date of this Ordinance, until the City Council approves and enacts land development regulations addressing the uses subject to this moratorium, or until the City Council approves and enacts an Ordinance terminating this moratorium, whichever occurs first;
- b. During the effectiveness of the moratorium, the City shall study the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes;
- c. City staff shall report its findings to the City Council, together with any recommended ordinance for the City Council's consideration, prior to the expiration of the temporary moratorium; and
- d. If the City requires additional time to complete the study and provide its recommendations to the City Council, the Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Council's discretion, provided, however, that the moratorium shall not be unnecessarily extended so as to prevent the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes within the City of Edgewood.

Section 3. Non-codification. The provisions of this Ordinance, being temporary in nature, are not intended to be codified as a part of the Code of Ordinances of the City of Edgewood.

Section 4. Severability. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

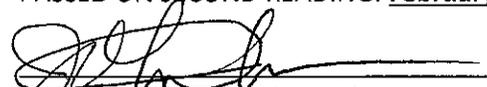
Section 5. Conflicts. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this **21st** day of **February, 2017**, by the City Council of the City of Edgewood, Florida.

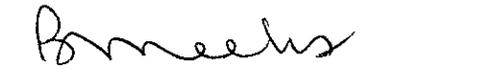
PASSED ON FIRST READING: **January 17, 2017**

PASSED ON SECOND READING: **February 21, 2017**



John Dowless, Council President

ATTEST:



Bea L. Meeks, MMC, CPM, CBTO
City Clerk