

motion Failed
See 3-20-17
Minutes

TOWN OF CALLAHAN, FLORIDA
ORDINANCE NO.: 2017-002

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND LICENSED DISPENSING ORGANIZATIONS WITHIN THE TOWN OF CALLAHAN FOR A PERIOD OF ONE YEAR; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS on November 8, 2016, Florida voters approved an amendment to the Florida Constitution, entitled "Use of Marijuana for Debilitating Medical Conditions ("Amendment 2"); and

WHEREAS Amendment 2 legalized the medical use of marijuana throughout the State of Florida for individuals with debilitating medical conditions and authorize the registration and regulation of centers that acquire, produce and distribute marijuana for medical purposes; and

WHEREAS due to the longstanding legal prohibition of marijuana prior to enactment of Florida Statutes § 381.986 and consideration of Amendment 2, the land development regulations of the Town of Callahan do not address the use of real property for purposes of cultivating, processing, distributing or selling medical marijuana and related activities, and such uses of real property have Historically not existed within the Town;

WHEREAS to promote effective and responsible land use planning within the Town, the Town Council needs sufficient time to research, study and analyze the potential impact of Medical Marijuana Treatment Centers or approved Dispensing Organizations upon adjacent uses and the surrounding areas, surrounding property values, and other aspects of the public safety and welfare; and

WHEREAS the Town Council finds that a temporary moratorium on the operation of Medical Marijuana Treatment Centers and approved Dispensing Organizations will allow the Town enough time to determine what uses are best suited to particular zoning categories and how best to formulate land development regulations that appropriately govern the use of real property for purposes of cultivation, processing, distributing or selling marijuana or related activities;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, AS FOLLOWS:

Section 1. A temporary moratorium is hereby imposed on the operation of Medical Marijuana Treatment Centers and Licensed Dispensing Organizations within the Town of Callahan. While the temporary moratorium is in effect, the Town shall not accept, process or approve any application relating to the operation of a Medical Marijuana Treatment Center or Licensed Dispensing Organization. Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician in accordance with Florida law.

Section 2. Definitions.

"Medical Marijuana Treatment Center" means 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 personal caregivers and is registered by the Florida Department of Health.

"Licensed Dispensing Organization" means an organization approved by the Florida Department of Health's Office of Compassionate Use to cultivate, process and dispense low-THC cannabis and medical cannabis pursuant to Florida Statutes § 381.986.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or the Florida Statutes incorporated into the Code of the Town of Callahan by reference hereby is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED THIS _____ DAY OF _____, 2017.

TOWN OF CALLAHAN, FLORIDA

Ken Bass, Town Council President

ATTEST:

Stephanie Knagge, Town Clerk

APPROVED:

Robert Rau, Mayor

Date of First Reading:
Dates of Publication:
Date of Public Hearing
& Second Hearing:
Date of Final Passage: