

ORDINANCE NO. O-03-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA ADDING A DEFINITION OF DRUGS / DRUG SALES TO CITY CODE SECTION 86-3 TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY (“MMTC”) AND A DEFINITION OF MMTC; AND CREATING A NEW CITY CODE SECTION 102-421 ENTITLED “CONDITIONS FOR A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY”; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

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

WHEREAS, Amendment 2 authorizes the medical use of cannabis (marijuana) throughout the State of Florida by individuals with debilitating medical conditions as determined by a licensed Florida physician and authorizes the registration and regulation of centers that acquire, produce, and distribute marijuana for medical purposes; and

WHEREAS, said Constitutional Amendment provides that all matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the State; and

WHEREAS, approximately 73% of the citizens of Green Cove Springs, voting on Amendment 2 regarding medical cannabis, voted to approve said amendment to the Florida Constitution; and

WHEREAS, Section 381.986, Florida Statutes, provides for the compassionate use of low-THC and medical cannabis and Section 499.0295, Florida Statutes, recognizes the use of medical cannabis for certain terminally ill patients; and

WHEREAS, the City Council of the City of Green Cove Springs desires to determine certain requirements and criteria, including zoning and minimum distances, for the location of dispensing facilities of dispensing organizations located within the City of Green Cove Springs.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Green Cove Springs as follows:

Section 1. City Code Section 86-3, entitled Definitions shall be amended to add a definition of “drugs or drug sales” to mean those substances that can affect a human’s or animal’s biological or neurological state and are sold by a pharmacy with a physician’s prescription. This definition shall include medical marijuana being lawfully sold by an approved Medical Marijuana Treatment Center Dispensing Facility (“MMTC”).

Section 2. City Code Section 86-3, entitled Definitions shall be amended to add a definition of “Medical Marijuana Treatment Center Dispensing Facility (“MMTC”)” – A retail facility established by a licensed medical marijuana treatment center that sells or dispenses medical marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to the preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies.

Section 3. There is hereby created a new City Code Section 102-421 entitled “Conditions For Medical Marijuana Treatment Center Dispensing Facility” as follows:

Sec. 102-421. Conditions For Medical Marijuana Treatment Center Dispensing Facility.

- (1) No advertising may be visible to members of the public from any street, sidewalk, park, or other public place except the dispensing facility may have a sign that is affixed to the outside or hanging in the window of the premises that identifies the dispensary by the licensee’s business name, an approved trade name, or an approved logo. A trade name or logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana. (F.S. §381.986 (8)(h)(1)(2017)).
- (2) No dispensing from the premises of marijuana or marijuana delivery devices between the hours of 9 p.m. and 7 a.m. but may perform all other operations and deliver marijuana to qualified patients 24 hours day. (F.S. §381.986 (8)(f)(4)(2017)).
- (3) May not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. (F.S. §381.986(11)(2)(2017)).
- (4) Compliance with all applicable state laws, including amendments to the foregoing requirements in state law.

Section 4. The following City Code Sections referencing uses allowed for dispensing “drugs or drug sales” shall now include medical marijuana treatment center dispensing facilities: Section 102-129(7) a.; Section 102-148(7); Section 102-167(2); Section 102-353(2); Section 102-507(4); Section 102-522(2).

Section 5. CODIFICATION. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Green Cove Springs as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word “ordinance” may be changed to “section” or other appropriate word.

Section 6. REPEALER. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 8. EFFECTIVE DATE. This Ordinance shall become effective upon passage.

INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ON THIS 17th DAY OF APRIL, 2018.

CITY OF GREEN COVE SPRINGS, FLORIDA

Roy M. Timberlake Jr., Mayor

Attest:

Julia W. Clevinger, CMC, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE
CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 15th DAY OF MAY, 2018.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Constance W. Butler, Mayor

Attest:

Julia W. Clevinger, CMC, City Clerk

Approved as to Form and Legality:

L. J. Arnold, III, City Attorney