

ORDINANCE NO. 423

AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND/OR DISPENSING OF MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Haverhill is authorized and required to protect the public health, safety and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the public health, safety and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, in the 2014 Legislative Session, the Florida Legislature enacted Chapter 2014-157, Laws of Florida, which permits prescription of medical marijuana in very limited circumstances, and provides for a limit of five (5) dispensing organizations in the state, effective January 1, 2015; and,

WHEREAS, a statewide referendum to amend the Florida Constitution to legalize a broader use of medical marijuana to treat a wider class of medical conditions is scheduled for November 4, 2014; and,

WHEREAS, the proposed Constitutional Amendment does not provide information on how medical marijuana prescribed pursuant to its provisions will be cultivated, processed and dispensed; and,

1 **WHEREAS**, given the historical legal prohibitions on marijuana, the Town has never
2 had the need to review the potential implications of uses in the Town for uses that would include
3 the production and distribution of marijuana; and,

4 **WHEREAS**, should the proposed Constitutional Amendment be approved, the Florida
5 Department of Health will be required to adopt rules on implementing medical marijuana, which
6 according to the proposed amendment must be accomplished within six (6) months of adoption
7 of the amendment; and,

8 **WHEREAS**, in addition to the need for state laws and regulations, the Town will need
9 to review uses involving the cultivation, processing and dispensing of medical marijuana in the
10 context of the Town's land development regulations, and the scope and content of such review
11 will be dictated by adopted state legislation and rules; and,

12 **WHEREAS**, based upon the above facts and recommendations from Town Administration,
13 the Town Council deems it necessary and to be in the best interests of the health, safety, and welfare
14 of the citizens and residents of the Town of Haverhill, to impose a moratorium on the approval of
15 any new applications or the issuance of any new licenses for uses that involve the cultivation,
16 processing and dispensing of medical marijuana until August 1, 2015; and;

17 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE**
18 **TOWN OF HAVERHILL, FLORIDA THAT:**

19 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
20 being true and correct and are hereby made a specific part of this Ordinance. These clauses represent
21 the legislative findings of the Town Council. It is the purpose and intent of this Ordinance to
22 promote the health, safety and welfare of the residents of Haverhill.

1 **Section 2. Moratorium Declared.** The Town Council hereby declares a
2 moratorium shall be immediately imposed on the approval of any applications or the issuance of
3 any new licenses for uses that involve the cultivation, processing and/or dispensing of medical
4 marijuana until August 1, 2015. This moratorium is not intended to impair the practice of medicine
5 by duly licensed physicians and shall not be interpreted inconsistent with any state preemptions.
6 During the term of the moratorium, the Town shall not accept or review any applications for licenses
7 or permits for uses that include medical marijuana. The moratorium may be extended by the Town
8 Council by subsequent ordinance should additional time be needed by the Town for the adoption of
9 appropriate land development regulations once all state laws and regulations have been adopted and
10 are effective.

11 **Section 3. Severability.** If any clause, section, or other part or application of this
12 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,
13 such unconstitutional or invalid part or application shall be considered as eliminated and so not
14 affecting the validity of the remaining portions or applications remaining in full force and effect.

15 **Section 4. Conflicts.** All ordinances or parts of ordinances, resolutions or part of
16 resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

17 **Section 7. Effective Date.** This ordinance shall take effect immediately upon its passage.
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FIRST READING this 23rd day of October, 2014.

THE SECOND AND FINAL READING was held this 13th day of November, 2014.
Vice Mayor James Woods offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by **Council Member Jerry Beavers** and upon being put to a vote, the vote was as follows:

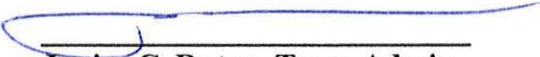
JAY G. FOY, Mayor
JAMES E. WOODS, Vice Mayor
JERRY E. BEAVERS, Council Member
LAWRENCE GORDON, Council Member
MARK C. UPTGRAPH, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

ATTEST:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Admin.



Jay G. Foy, Mayor

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Palm Beach Daily News

TOWN OF HAVERHILL
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Haverhill will conduct two (2) Public Hearings on the following proposed Ordinances:

ORDINANCE NO. 423
AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND/OR DISPENSING OF MEDICAL MARIJUANA, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

ORDINANCE NO. 424
AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, CLARIFYING SECTION 30-61 TO REQUIRE PROPERTY OWNERS WITHIN THE TOWN TO PROVIDE ROLLOFF SERVICE FOR ALL CONSTRUCTION DEBRIS AND TO NOT ALLOW A NUISANCE TO BE CREATED; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

ORDINANCE NO. 425
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ANIMALS"; PROVIDING FOR THE AMENDMENT OF SECTION 10-2 TO INCORPORATE ADDITIONAL DEFINITIONS; CREATING NEW SECTION 10-17 TO PROHIBIT THE RETAIL SALE OF DOGS AND CATS AND REGULATING CERTAIN BREEDING PRACTICES WITHIN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 426
AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, ADDING A NEW SECTION 58-10 RELATING TO THE INSTALLATION OF SIGNAGE ON ALL PROPERTY WHICH IS SUBJECT TO AN APPLICATION FOR CHANGE IN LAND USE, REZONING, VARIANCE OR SPECIAL EXCEPTION APPROVAL; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

ORDINANCE NO. 427
AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING SECTION 58-8 DEFINITIONS "CONGREGATE LIVING FACILITY" AND AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 10 "CONGREGATE LIVING FACILITIES" TO CLARIFY THAT COMMUNITY RESIDENTIAL HOME IS AS DEFINED BY CHAPTER 419, FLA. STAT. AND BY AMENDING SEC. 58-490 TO CLARIFY THAT ONLY TYPE I CONGREGATE LIVING FACILITIES ARE PERMITTED IN THE TOWN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

THE PUBLIC HEARINGS will be held at the Town Hall, 4585 Charlotte Street, Town of Haverhill, Florida, on the following dates and time and before the Town Council:

- Thursday, October 23, 2014
7:00 p.m. First Reading of ordinances
- Thursday, November 13, 2014
7:00 p.m. Adoption of ordinances

The Ordinances in their entirety may be inspected at the office of the Town Administrator, 4585 Charlotte Street, Haverhill, Florida between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. All members of the public are invited to appear at the public hearings, which may be continued from time to time, and be heard with respect to these matters. The ordinance may be postponed or withdrawn without prior notice.

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Council with respect to any matter considered at such meeting or hearing, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town does not prepare or provide such a record. In accordance with the provisions of the American with Disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request, and special accommodations can be provided upon request with three (3) days advance notice. Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Administrator at (561) 689-0370 at least two (2) days prior to the meeting in order to request such assistance.

Janice C. Ruten, Town Administrator,
Town of Haverhill
PUB. The Palm Beach Post
11-27-2014 #316970

Signed

Tiffani Everett
Karie Bell

Sworn to and subscribed before 11/03/2014.

Who is personally known to me.

TOWN OF HAVERHILL PROOF OF PUBLICATION
STATE OF FLORIDA COUNTY OF PALM BEACH
Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 11/02/2014 and last date of Publication 11/02/2014 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.
PUBLIC HEARING Ad ID: 625763 Ad Cost: 467.84



KARIE BELL
NOTARY PUBLIC - OHIO
MY COM. EXPIRES 4-12-15