

ORDINANCE NO. 2017-727

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, BANNING THE LOCATION OF MEDICAL MARIJUANA TREATMENT DISPENSING CENTERS A/K/A MEDICAL CANNABIS DISPENSING FACILITIES AS DEFINED BY SECTION 381.986 FLORIDA STATUTES (2017) WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF INVERNESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature in special session adopted SB8A implementing a Constitutional Amendment which amended Section 29 Article X of the State Constitution to provide for medical marijuana; and

WHEREAS, Section 381.986(11)(b)(1) of the Florida Statutes provides that a municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of a municipality; and

WHEREAS, the City Council has determined that Section 381.986 Florida Statutes (2017) as recently amended by the legislature fails to adequately protect the health, safety and welfare of citizens of Inverness and that it would be appropriate until said legislation is amended to allow local regulation that medical marijuana treatment dispensing centers not be allowed within the corporate limits of the City of Inverness.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA AS FOLLOWS:

Section 1. “Whereas” Clauses Confirmed. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Medical Marijuana Treatment Dispensing Centers prohibited within the City of Inverness. It shall be a violation of this Ordinance for any person, partnership, limited liability company, corporation, or other legal entity to locate a medical marijuana treatment dispensing center a/k/a medical cannabis dispensing facilities within the corporate limits of the City of Inverness.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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 of this Ordinance.

Section 4. Inclusion in the Code of Ordinances. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Inverness as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code of Ordinances.


Section 5. Provide an Effective Date. This ordinance shall become effective immediately upon its adoption.

Upon motion duly made and carried on first reading, the foregoing Ordinance was approved on the 1st day of August, 2017.


Upon motion duly made and carried on second reading, the foregoing Ordinance was adopted on the 5th day of SEPTEMBER, 2017.

CITY OF INVERNESS, FLORIDA

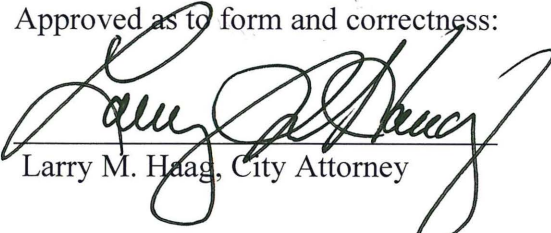
By: 
Cabot McBride, Council President

By: 
Robert Plaisted, Mayor

ATTEST:


Susan Jackson, City Clerk

Approved as to form and correctness:


Larry M. Haag, City Attorney

Agenda Memorandum – *City of Inverness*

CITY COUNCIL APPROVAL
DATE: 9/5/17

September 5, 2017

ISSUE: Public Hearing: Medicinal Marijuana Ordinance 2nd Reading
FROM: City Manager
CC: City Clerk, City Attorney, Community Development
ATTACHED: Ordinance NO. 2017-727
Chronicle Sound-Off
News Article: Florida Pot Patients Double & Villages gets 2nd Dispensary
News Article: Lake Worth School Worried About Pot Center Across Street
News Opinion: More Contempt for Medical Pot
News Article: Gov. Scott Signs Bill for Florida A&M, UF to Begin Industrial Hemp Research

Reference is made to attachments.

As directed at the previous meeting, the matter of Medical Marijuana Dispensaries in the City of Inverness, is placed on the agenda for the second reading. A Public Hearing has been noticed and will be conducted as part of this process. The prepared Ordinance is in final form pending Council action.

Recently published information is enclosed and acts as a comparison to information provided as part of the FLC Conference Research Symposium titled: Medical Marijuana and Your City: Facts, Fiction and Moving Forward.

There will be opinion both ways, and medicinal marijuana remains an evolving item in the State. At some point, rules and regulations will be available, but little exists at this time. This is shaped as an “all or nothing” option by the Legislature. If a certain provision is desirable to be included in the ordinance, such may be brought forward at the conclusion of the Public Hearing.

Recommended Action –

1. Motion and second to read the Ordinance by title
 - a. Clerk reads title
2. Open a Public Hearing to receive comment
 - a. Those for; Those against
3. Deliberate
4. If the desire is to proceed, motion and second to adopt the Ordinance on the second reading by roll call.


Frank DiGiovanni

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