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**ORDINANCE 2017 - G**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, PROHIBITING MEDICAL MARIJUANA DISPENSARIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF UMATILLA; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ALL CONFLICTING ORDINANCES.**

**WHEREAS**, The Florida Medical Marijuana Legalization Initiative, then known as Amendment 2, was passed on November 8, 2016, in the State of Florida as a constitutional amendment; and

**WHEREAS**, on June 23, 2017, Florida Governor Rick Scott signed Senate Bill No. 8-A (Chapter 2017-232, Laws of Florida), which creates a unified regulatory structure for sale, use, distribution, and consumption of medical marijuana in the State of Florida; which, in part, severely preempts local control over the zoning of medical marijuana dispensaries; and which gives Florida municipalities the option to completely ban medical marijuana dispensaries from within city limits; and

**WHEREAS**, marijuana is an unlawful controlled substance under federal law listed as a schedule 1 prohibited drug; and

**WHEREAS**, this Ordinance is adopted pursuant to the City's Home Rule Powers as set forth in Florida Statutes Chapter 166; and

**WHEREAS**, the City Council of the City of Umatilla, after a duly noticed public hearings, has determined it is in the best interest of its citizens and promotes the general health, safety, and welfare of the City to ban medical marijuana treatment dispensaries within the limits of the City of Umatilla, Florida.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Umatilla, Lake County, Florida, as follows:

**Section 1. Recitals.** The foregoing findings are incorporated herein by reference and made a part hereof.

**Section 2.** Medical marijuana dispensaries are banned and prohibited within the limits of the City of Umatilla.

**Section 3. Severability.** The provisions of this Ordinance are declared to be separable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

46        **Section 4. Effective Date.** This Ordinance shall become effective immediately upon its  
47 passage by the City Council.  
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49        **Section 5. Repeal of Conflicting Ordinances.** All Ordinances in conflict with this  
50 Ordinance are hereby repealed.  
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52 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake  
53 County, Florida, this 15th day of August, 2017.  
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57 Mary C Johnson, Mayor  
58 City of Umatilla, Florida  
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61 ATTEST:  
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Approved as to Form:  
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65 \_\_\_\_\_  
66 Karen H. Howard, CMC  
67 City Clerk  
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Kevin Stone  
City Attorney  
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Passed First Reading August 1, 2017  
Passed Second Reading August 15, 2017  
(SEAL)  
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