

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, PROVIDING FOR A SIX MONTH EXTENSION OF THE EXISTING SIX MONTH MORATORIUM APPROVED BY ORDINANCE 2016-11 ON NOVEMBER 2, 2016 FOR THE APPROVAL OF ANY MEDICAL MARIJUANA DISPENSARY AND/OR SIMILAR TYPE OF BUSINESSES WITHIN THE CITY OF MARGATE; PROVIDING FOR CLARIFICATION FROM THE LEGISLATURE FOR DEFINITIONS AND USE CLASSIFICATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, on November 2, 2016, the City Commission of the City of Margate passed Ordinance 2016-11, enacting a six month moratorium for the approval of any medical marijuana dispensary and/or similar type of business in anticipation of Amendment 2 on the November 8, 2016 election ballot; and

**WHEREAS**, on November 8, 2016, voters in the State of Florida approved a proposed constitutional amendment regarding legalization of the use of medical marijuana in the State of Florida; and

**WHEREAS**, the State Legislature will be providing further clarification regarding the definitions and use classifications, and further guidance associated with medical marijuana dispensaries and regulation authority of municipalities; and

**WHEREAS**, the City Commission finds that it is necessary to continue to wait until further clarification by the State Legislature before approving medical marijuana dispensaries and similar type businesses in the City; and

**WHEREAS**, the City Commission finds that this Ordinance is necessary for the preservation of the public

1 health, safety and welfare of the City's residents.  
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3 NOW, THEREFORE, BE IT ORDAINED BY THE CITY  
4 COMMISSION OF THE CITY OF MARGATE, FLORIDA:  
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6 **SECTION 1:** That the City Commission deems it to  
7 be in the best interest of the health, safety, and  
8 welfare of the citizens of the City of Margate that a six  
9 month extension on an existing six month moratorium be  
10 imposed on all real property within the City of Margate  
11 pertaining to the approval of any medical marijuana  
12 dispensary, or similar type business as described above,  
13 including Local Business Tax Receipts, Certificates of  
14 Occupancy, or any other development approval.

15 **SECTION 2:** All ordinances or parts of ordinances  
16 in conflict herewith are repealed to the extent of such  
17 conflict.

18 **SECTION 3:** If any section, sentence, clause, or  
19 phrase of this Ordinance is held to be invalid or  
20 unconstitutional by a court of competent jurisdiction,  
21 then said holding shall in no way affect the validity of  
22 the remaining portions of this Ordinance.

23 **SECTION 4:** This Ordinance shall become effective  
24 immediately upon adoption at its second reading.

25 PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_\_ 2017.

26  
27 PASSED ON SECOND READING THIS \_\_\_\_ day of \_\_\_\_\_ 2017.  
28

1 ATTEST:

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4 \_\_\_\_\_  
5 JOSEPH KAVANAGH  
6 CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

7  
8 *RECORD OF VOTE - 1ST READING*

*RECORD OF VOTE - 2ND READING*

9  
10 Caggiano \_\_\_\_\_  
11 Simone \_\_\_\_\_  
12 Peerman \_\_\_\_\_  
13 Schwartz \_\_\_\_\_  
14 Ruzzano \_\_\_\_\_

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_